



CHARGES OF CRUELTY, ETC., TO THE NATIVES OF THE PHILIPPINES.

LETTER FROM THE SECRETARY OF WAR RELATIVE TO THE REPORTS AND CHARGES IN THE PUBLIC PRESS OF CRUELTY AND OPPRESSION EXERCISED BY OUR SOLDIERS TOWARD NATIVES OF THE PHILIPPINES.

FEBRUARY 19, 1902.—Ordered to be printed as a document.

WAR DEPARTMENT,
Washington, February 17, 1902.

DEAR SIR: In reply to your letter of Saturday, the 15th instant, received yesterday, asking information regarding the reports and charges in the public press of cruelty and oppression exercised by our soldiers toward natives of the Philippines, I send you a number of documents which I think will furnish the information you wish. Every report or charge of this description which has at any time been brought to the notice of the War Department has been made the subject of prompt investigation; and among the inclosed papers you will find the records of thirteen such inquiries in which the results have been reported. You will perceive that in substantially every case the report has proved to be either unfounded or grossly exaggerated. The particular report which was called to the attention of the Senate last week, viz, that the "water cure" is the favorite torture of the American, and especially of the Macabebe scouts, to force the natives to give information, and that a soldier who was with General Funston had stated that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died, was already under investigation, which is still in progress.

I inclose a copy of a letter received from General Funston, dated February 2, 1902, in which he declares the statement to be an "atrocious lie without the slightest foundation in fact;" and a letter from Lieutenant Batson, the commander of the Macabebe scouts, to the same effect.

As to orders governing our soldiers in the Philippines, I send you a copy of the instructions for the government of armies of the United States, promulgated under President Lincoln by General Orders, No. 100, of 1863. These rules have been republished from time to time in separate form and furnished to every commissioned officer of the Army, both regulars and volunteers, and are to-day, as they have been at all times since 1863, the practical and effective guide and rule of

conduct to which every officer understands that he must conform. Among these rules you will find the following:

RULE 16. Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. * * *

RULE 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force; all rape, wounding, maiming, or killing of such inhabitants are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense. * * *

RULE 56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

RULE 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. * * *

RULE 80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer use of any violence against prisoners in order to extort the desired information or to punish them for having given false information.

I send you also copies of eighteen orders, issued at different times and under different commands in the Philippines, for the observance and enforcement of these humane rules, calling particular attention to the order in the Department of Southern Luzon, dated June 5, 1900; in the Department of the Visayas, dated June 26, 1900, and in the Department of Northern Luzon, dated July 14, 1900.

I send you a memorandum of 44 officers, soldiers, and camp followers who have been tried, and 39 of them convicted, for violation of such orders as are above described.

The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races, and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives, however peaceful, who were friendly to our Government, and in literally thousands of instances these poor creatures, dependent upon our soldiers for protection, have been assassinated.

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy, and with their own eyes witnessing such deeds, should occasionally be regardless of their orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them. That there has been any such practice is not true. The cases have been few and far between, scattered infrequently over a great area of country along the course of three years of active conflict, through thousands of engagements, and among many thousands of troops. That these occasional cases have characterized our Army or its conduct is not true, any more than the deeds of lawless violence which constantly occur in every large city characterize the people of the city. The war in the Philippines has been conducted by the American Army with scrupulous regard for the rules of civilized warfare, with

careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit upon the American people.

I send you a number of extracts from reports and court-martial proceedings, illustrating the character of insurrectionist warfare.

Very truly, yours,

ELIHU ROOT,
Secretary of War.

HON. HENRY CABOT LODGE,
*Chairman Committee on the Philippines,
United States Senate.*

Inclosures.

Exhibit A.—Copy of Brigadier-General Funston's letter, dated February 2, 1902.

Exhibit B.—Copy of Capt. Matthew A. Batson's letter of January 29, 1902.

Exhibit C.—Records of 13 inquiries regarding reports of cruelty.

Exhibit D.—Rules for government of armies in the field.

Exhibit E.—Eighteen orders issued for observance and enforcement of rules mentioned in Exhibit D.

Exhibit F.—Schedule of trials and convictions.

Exhibit G.—Extracts from reports and court-martial proceedings, illustrating the character of insurrectionist warfare.

EXHIBIT A.

KANSAS CITY, Mo., *February 2, 1902.*

SIR: My attention having been called to an extract from an article published in the City and State, of Philadelphia, January 2, 1902, I wish to make the following comment:

In this extract it is alleged that a soldier who claims to have been with me in the Philippines made the statement that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died. This statement I wish to brand as an atrocious lie, without the slightest foundation in fact. During my service of three years in the Philippines I never had personal knowledge of the so-called "water cure" being administered to a native, or any other form of torture being used to extract information from them.

Statements of this kind made by returned soldiers are simply braggadocio, and a desire to attract attention to themselves. It is my belief that the "water cure" was very rarely, if ever, administered by American soldiers. It was a matter of common knowledge that occasionally the Macabebe Scouts, when not under the direct control of some officer, would resort to this means of obtaining information as to the whereabouts of concealed arms and ammunition. They did this, however, on their own responsibility and without orders from their superiors. It was utterly impossible to prevent a few offenses of this kind by the Macabebes, as they were merely repaying the insurgents for worse treatment received by them in the past.

The so-called "water cure," as it has been described to me by Macabebe soldiers, was by no means so severe an ordeal as would be indicated in the extract mentioned. The method was merely to throw a native on his back, hold his nose with one hand, and pour water down his throat from a canteen or other vessel. It occasioned nothing more than a few moments of strangling, and never resulted fatally.

I never heard of its having been administered to a native by a white man.

Very respectfully,

FREDERICK FUNSTON,
Brigadier-General, U. S. Army.

The³ADJUTANT-GENERAL, Washington, D. C.

EXHIBIT B.

WASHINGTON, D. C., *January 29, 1902.*

SIR: Referring to an article published in the City and State, Philadelphia, January 2, 1902, alleging the use of the "water torture" as a means of extorting information from the natives in the Philippines by our troops, and especially Macabebe Scouts, I desire to make the following comments:

The first company of Macabebe Scouts was organized by me in September, 1899. This force was subsequently increased until I had under my command five companies, numbering 640 men. I was in command of these scouts until the latter part of November, 1899, being relieved on account of a wound received at Aringay. These men were in May, 1900, reorganized and officially designated Squadron Philippine Cavalry, though they were generally known as "Macabebe Scouts." Upon the reorganization I was again placed in command of them, and remained in command until these men were finally discharged from the service, in July, 1901.

At this time there were other bodies of scouts known as Macabebe Scouts, about the discipline and conduct of which I know nothing, as I never came in contact with them.

During the time that I was in command of these native troops the practice of torturing natives to obtain information was neither sanctioned nor practiced. On the contrary, it was prohibited under pain of severe punishment. I not only did not "knowingly allow it," but from the time I organized the first company of natives until my command was discharged, in July, 1901, my officers and men were strictly prohibited from mistreating prisoners or "pisanos" in any way.

From time to time charges similar to that made by Mr. Kennan in the article referred to have been made against my scouts. These charges have invariably been thoroughly investigated, and have nearly always been found to be without foundation. As a rule, these charges have not been made to me as commanding officer of the scouts, but have been sent direct to the division commander, and in a great many cases special inspectors have been sent out to investigate. These inspectors have always been given every assistance by myself and officers to get at the truth, and the natives encouraged in every way to make known any cruelty practiced against them. It has generally been found that the natives have been scared into making these charges, first, by insurgent officials, who sought that method of arousing the natives by telling them of the barbarous treatment that they would have at the hands of the Macabebes, and, second, by American officers, who tried to intimidate the natives by threats of Macabebe vengeance. I am glad to be able to say, however, that those charges have almost invariably gone before my command, and not followed it. In proof of this I would call attention to the petitions which have been in a number of cases—but notably at Abando and at Montalbon—submitted, in which the natives have appealed to the department commander not to remove my command from their towns, as we had always afforded them absolute protection against "ladronism" and outrages of all sorts, and that my men, as they expressed it, treated them like brothers. I request that the Adjutant-General also compare the records of courts-martial of men in my command with those of the Army in general, both in the United States and in the Philippines.

I have heard a great deal about the "water torture," or "water cure," as it is generally called, and I do not doubt that it has been applied in a few cases. Outrages will be committed in any army in the world. They have been committed against our own citizens in our own country by our own soldiers. But I know that such methods were not sanctioned, as alleged in the article referred to, by the military authorities in the Philippines, and that when proof could be obtained that such methods had been practiced the offenders were promptly brought to justice.

Indeed, after nearly three years' service in the Philippines, I can conscientiously say that I believe the treatment which the natives received at the hands of the military has been extremely humane and tolerant.

Very respectfully,

MATTHEW A. BATSON,
Captain, Fifteenth U. S. Cavalry.

The ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.

EXHIBIT C.

No. 1.

Mr. T. J. Henneberry, of Elkhart, Ill., in a letter to the President, dated April 5, 1899 (223308 A. G. O., 1899), incloses a newspaper clipping originally published in

the Clark County Democrat, which prints an extract from a letter of Private Edward Gard, Battery L, Third United States Artillery, which stated that it was the practice of soldiers in the Philippine Islands to put to death insurgent wounded and prisoners. This letter was referred to General Otis for investigation on April 18 1899. The report of the soldier's commanding officer is as follows:

[Fourth indorsement.]

MALolos, P. I., *June 3, 1899*

Respectfully returned.

Edward Gard is a private in this battery, and I inclose herewith his own statement concerning the letter to his mother published in the Clark County Democrat of March 29. It is not unusual among enlisted men—in fact, quite the contrary is true—for them to boast of what they have done. The most ridiculous stories are current about camp after every important engagement. Sometimes there is a basis of fact, but the stories gain in the repeated tellings until their own improbability proves their utter falsity, as in the case of the story herein referred to. Private Gard has admitted to me that never during our whole campaign in the Philippines has he seen a soldier strike a native with the butt of his gun, and I can say in addition that such a thing could not occur in Battery L without being reported to me. The battery is divided into four sections, each under a sergeant that would not countenance such an act. Further, each squad is in charge of a corporal or an acting corporal, who is held to strict accountability for the performance of any act outside the line of duty. I have been with the battery in every engagement during this war and I have never seen any member of it or of the Third Artillery perform an act of inhumanity, while numerous instances of kindness to the captured or wounded enemy have come to my notice. Private Gard, to account for his having written the letter to his mother, says he heard some soldiers of another regiment talking about the way they used the butts of their guns, and so when he wrote he told the story so as to include himself. The whole thing is simply the fiction of an ignorant soldier.

P. M. KESSLER,

Second Lieutenant, Third Artillery, Commanding Battery L.

The statement of Private Gard to the officer conducting the investigation was as follows:

BATTERY L, THIRD ARTILLERY,
Malolos, P. I., June 3, 1899.

The COMMANDING OFFICER,
Battery L, Third Artillery.

SIR: In reference to the letter written by me and published in the Clark County Democrat of March 29, 1899, I would state that my statement contained therein—that if we found one still living we put the finishing touch on him with the butt end of our guns, etc.—is an exaggeration. The letter was written to my mother without the slightest idea that it would be published, and hence it was colored to suit my own fancy.

EDWARD GARD,
Private, Battery L, Third Artillery.

[Fifth indorsement.]

HEADQUARTERS BATTERIES THIRD ARTILLERY,
Malolos, Luzon, P. I., June 4, 1899.

Respectfully returned, inviting attention to fourth indorsement and inclosure.

The treatment of wounded and unwounded prisoners has been in every respect kind and humane. I have had exceptional opportunities for knowing this.

W. A. KOBBE,
Major, Third Artillery, Commanding.

No. 2.

A letter dated West Alexander, Pa., April 6, 1899, addressed to the President, from Mr. R. M. Carson, incloses a clipping which asserted that outrages were being committed by United States troops against the insurgents, the newspaper clipping referring more especially to the conduct of the First Washington Volunteer Infantry.

This paper was referred to General Otis on April 18, 1899, for investigation, and was returned by him with report as follows:

MANILA, P. I., *May 29, 1899.*

Respectfully returned to the Adjutant-General of the Army. The inclosed newspaper clipping professes to report actions of the Washington Volunteers. While there is little truth in letters written by soldiers to their homes—especially by those who wish to impress their friends by their individual prowess—the conduct of the Washington Volunteers has been the subject of special investigations for some time. They deny wanton burning or cruelties, and still there are strong indications that they practiced those infractions to some extent. However, the number of prisoners captured on February 5 and during later engagements and the care they have received from the United States authorities show that the Army is practicing humane sentiments. We still hold a large number of prisoners and are releasing them gradually as their friends and acquaintances vouch for their future good conduct. Those now captured are turned loose unless they be officers of rank and importance.

E. S. OTIS,
Maj. Gen., U. S. V., Commanding.

No. 3.

A newspaper clipping received at Headquarters Department of the Pacific and Eighth Army Corps, purporting to publish a letter from Capt. Albert Otis, First Washington U. S. Volunteer Infantry, in which that officer admits the improper disposition of private property and the destruction of other private property, was referred to the commanding general First Division, Eighth Army Corps, for investigation and report, as to whether the letter purporting to be from Captain Otis was in fact such, or whether the statements contained in the extracts could be verified, and if so Captain Otis was to be brought to speedy trial before a court-martial. The matter was investigated by the inspector-general of the First Division, Eighth Army Corps, whose report thereon is as follows:

OFFICE OF THE INSPECTOR-GENERAL,
FIRST DIVISION, EIGHTH CORPS,
Manila, P. I., June 9, 1899.

ADJUTANT-GENERAL FIRST DIVISION.

SIR: I return herewith statement of Capt. A. H. Otis, First Washington Volunteer Infantry, relative to the clipping inclosed, supported by the affidavit of the first sergeant of his company. He had no lieutenants on duty with his company at the period in question.

As seen, he denies all knowledge of such letter and that any conditions as stated ever existed. He was in Santa Ana but one night, and that night was passed in the street and without quarters.

I was myself twice in his quarters in Paco before his company was moved to Pasig, and certainly saw no indications of grand or any other pianos, nor any evidence of loot of any kind. The quarters were very plainly furnished, and what furniture there was was left (so Captain Otis tells me) by Lieutenant-Colonel Dubose, of the First California Infantry, and a rental of \$8 Mexican per month was paid to its owner for the use of it. The only piano that Captain Otis has had any connection with during his service in Paco is one which was found in the street and which has been unclaimed by its owner. It had been looted by Chinos, who had been unable to get away with it and had dropped it in the street.

Captain Otis had it placed under shelter and has made report of the matter to the quartermaster's department three different times (twice verbally and once by letter), with request that it be taken off his hands, but was told to let it remain where it was for the present. This statement is confirmed by Capt. C. C. Wolcott, chief quartermaster First Division. When the property of his company was moved to a new storehouse the piano was moved also, and is now there subject to order. The request that the quartermaster's department take charge of it, made by letter, was dated May 27.

I am convinced that this published letter was written by someone with intent to do harm to Captain Otis's reputation, and that his name, if signed to it, has been forged. Who may have done this can only be found out, if at all, through the newspaper which published the article. Certain conditions of affairs exist in the First

Washingtons which have been the subject of an investigation by Lieutenant-Colonel Miley, inspector-general, and in all probability the author of this letter will be found among those individuals who have caused trouble in other directions.

Very respectfully, your obedient servant,

C. G. STARR,

Major, Inspector-General, U. S. Volunteers.

Captain Otis made the following statement:

PASIG, P. I., June 2, 1899.

Major STARR,

Inspector-General First Division, Eighth Army Corps, Manila, P. I.

SIR: In response to a conversation with you this date, I have the honor to submit the following statement:

First. After the capture of Santa Ana, on February 5, 1899, I was ordered to escort prisoners of war from Santa Ana to Manila. I left Santa Ana at 12.30 p. m., having been in Santa Ana about an hour. During that hour I was in conversation with General King and Major Weisenberger and also collected the prisoners, formed my company, and received my instructions relative to the prisoners. I did not return to Santa Ana until 12 o'clock p. m. Monday night, the 6th. Bivouacked in the street that night in front of quarters of Colonel Wholley. The next day (7th) I was engaged principally in moving my company from one place to another in a vain quest for quarters, resulting finally in being ordered back to Paco temporarily. During that entire time the only pianos I recollect of seeing were in the quarters of Colonel Wholley. At no time did I have any pianos in my possession, nor did I give or receive any orders regarding any piano or pianos. On February 5, while talking with an officer in Santa Ana, two pianos were taken from a house near the church and across the street from Colonel Wholley's headquarters, and brought out into the street. I had nothing whatever to do with them and do not know by whose orders they were moved nor what disposition was made of them. This was while the houses on that side of the street were being burned and prior to my departure with the prisoners.

Second. In regard to "six horses and three carriages." After my return to Paco the men gathered up all stray horses and carriages abandoned by the natives. These, in most cases, were returned to the owners on their appearing and claiming them. This could be done, as the men knew most of the parties personally, having been stationed there since January 5. I had left unclaimed three horses, one quilez, one caramata, and one market cart. These, pursuant to published orders, I turned in to the department quartermaster, taking receipt therefor. I was then issued two horses, one market cart, and one harness. These and a bull cart issued by regimental quartermaster constitute the transportation now on hand.

Third. In regard to "enough small plunder for a family of six." I can only say that I have none now nor have I had any at any time. There was at various times in my quarters in Paco small articles, such as a harp, left behind by Lieutenant-Colonel Dubose, of the First California; a bag taken by him from Chinamen, containing some dishes. The harp was claimed and identified by and delivered to a native woman. The bag (a gunny sack) of dishes were badly broken and wholly worthless. The lot was thrown on the rubbish pile as of no value whatever.

In obedience to orders given me, I searched the houses in East Paco for arms and ammunition. All due precautions were taken to prevent looting. I do not make a practice of writing such statements as the one credited to me, and respectfully submit to you the improbability of my making false and injurious statements regarding myself.

I have no information as to the origin of this statement.

Very respectfully,

A. H. OTIS,

Captain, First Washington Infantry, U. S. Volunteers.

I further desire to state that I did not write this letter nor have I ever at any time made any such statements; and, further, that they are groundless.

Respectfully,

A. H. OTIS,

Captain, First Washington U. S. Volunteers.

First Sergt. Milo C. Corey, Company A, First Washington Infantry, U. S. Volunteers, made the following sworn statement:

PASIG, P. I., June 2, 1899.

Milo C. Corey, being duly sworn, deposes and says:

On the 4th day of February, 1899, he was and has at all times since been the first sergeant of Company A, First Washington Infantry, U. S. Volunteers, and that he has been on duty with his company continuously since that date.

He was with the company at Santa Ana while it was commanded by Capt. A. H. Otis, and that he was with and near him during the entire time the company was in Santa Ana. At no time did he see, hear, or know of any orders being given by Captain Otis regarding any pianos or other property. During the stay of the company in East Paco the enlisted men of the company gathered up a number of horses and several quilezes and caromatas which had been abandoned by the natives. These were delivered to their owners whenever claimed and satisfactory proof established as to ownership. This was possible from the fact that many of the parties were personally known to members of the company.

He detailed the men who took 3 horses, 1 quilez, 1 caromata, and 1 market cart to the depot quartermaster; 2 horses, 1 market cart, and 1 harness were then issued to and are now in possession of the company; he had constant access to the quarters of Captain Otis during the entire time the company was at East Paco; he had every opportunity to hear and observe, and that he neither saw nor heard of Captain Otis having "plunder" in his possession at any time; strict orders were issued by Captain Otis against looting and every effort made to suppress it and preserve order.

And further deponent saith not.

MILO C. COREY,

First Sergeant Company A, First Washington Infantry, U. S. Volunteers.

Subscribed and sworn to before me this 2d day of June, 1899.

C. T. SMITH,

Captain, First Washington Infantry, U. S. Volunteers.

Summary Court Officer.

Under date of June 1, 1899, the commanding general, Department of the Pacific and Eighth Army Corps, called the attention of the commanding general of the Second Division of the Eighth Army Corps, to the statement of Corpl. Guy Williams, Company E, Fifty-first Iowa, U. S. Volunteers, as to the looting of the village of San Roque. The matter was investigated by the inspector-general, Second Division, Eighth Army Corps, whose report is as follows:

HEADQUARTERS SECOND DIVISION, EIGHTH ARMY CORPS,

OFFICE OF THE INSPECTOR-GENERAL,

San Fernando, P. I., June 6, 1899.

The ADJUTANT-GENERAL, SECOND DIVISION, EIGHTH ARMY CORPS,

San Fernando, P. I.

SIR: I have the honor to submit the following report of an investigation made by me, in compliance with the orders of the division commander, of a certain statement alleged to have been made by one Guy Williams, of the Fifty-first Iowa Infantry, U. S. Volunteers, in reference to the looting of a village (name not given), after its abandonment by the native inhabitants, by the Fifty-first Iowa Regiment (date not given), which statement was published in a newspaper (designation, place of publication, and date of issue of the newspaper not given).

I interviewed one Corpl. Guy Williams, Company E, Fifty-first Iowa Infantry, U. S. Volunteers, who stated, in reply to my questions, that he did write a private letter to his brother, Mr. Flor Williams, of Burlington, Iowa, in which he made statements to the effect quoted in the telegram which formed the basis of my investigation; that he did not write the letter for publication, but that it appears that his brother showed it to a newspaper man, who published it in a Burlington paper, he thinks in the Burlington Hawkeye; that what he said in his letter may have been exaggerated by the newspaper, but that it was of the same tenor, except that he does not think he mentioned a piano; that he referred to the village of San Roque, near Cavite, which was deserted by the insurgents and occupied by the Iowa regiment in the early part of February, 1899; stated that the statement is substantially true, but that the men did not find or take anything of great value; stated that this was the first time his regiment took the field against insurgents; that they were ordered out suddenly, and that he does not think any instructions were given not to loot. The foregoing statements were read to him and pronounced correctly taken down.

Capt. Charles W. Mount, commanding Company E (Corporal Williams's company), Fifty-first Iowa Infantry, U. S. Volunteers, stated that the village of San Roque was looted by the Iowa regiment and the other troops stationed at Cavite; that the men helped themselves to what they found, and destroyed articles of property they could not use; that the colonel and other field officers did not exert themselves to stop it, and that, while he disapproved of what was done, he did not feel called upon under the circumstances to do anything about it; stated that Major Rice, of the California

Heavy Artillery, commanded the outpost at San Roque, of which two battalions of the Fifty-first Iowa formed a part; also, that the insurgents burned a large part of the town before abandoning it. The foregoing statements were read to Captain Mount, and pronounced by him to be correctly recorded.

I next interviewed Lieut. Col. M. Miller, commanding the Fifty-first Iowa Infantry U. S. Volunteers, Colonel Loper, who commanded the regiment at the date of the alleged occurrences being absent sick. Col. M. Miller submitted a statement in writing, which is herewith inclosed, marked "A."

This completes the investigation as far as it is practicable for me to make it under existing conditions.

Very respectfully,

JOHN S. MALLORY,
Major and Inspector-General, U. S. Volunteers.

The statement of the colonel and lieutenant-colonel of that regiment to the inspector-general are given herewith.

HEADQUARTERS FIFTY-FIRST IOWA INFANTRY, U. S. VOLUNTEERS,
SECOND BRIGADE, SECOND DIVISION, EIGHTH ARMY CORPS.
San Fernando, P. I., June 9, 1899.

ASSISTANT ADJUTANT-GENERAL,
Second Division, Eighth Army Corps.

SIR: The village of San Roque was abandoned and burned by the insurgents February 9, 1899, and immediately occupied by troops of my command. I directed the provost-marshal, Capt. Dennis Geary, to take charge of the district, extinguish the fires, collect and store all articles of value he found in a building in San Roque, the amount of which was limited, as the insurgents were busy the night previous to abandonment removing property.

A part of the property so collected was afterwards removed to Cavite for use of officers and men in the quarters, which were found absolutely bare of furniture when my regiment took station there. All of the furniture so removed was stored in Cavite or turned over to the command that relieved mine, except that used at the palace, for which we hold receipt of the naval officer in charge of the navy-yard. The building in San Roque in which the property was stored was burned in March; fire incendiary origin.

Every precaution was taken to prevent looting of houses in San Roque, a strong guard being maintained under a most efficient officer. It is possible that enlisted men and some officers may not have known that the property was collected and removed under authority, and concluded the men they saw so employed were looting.

Very respectfully,

JNO. C. LOPER,
Colonel Fifty-first Iowa Volunteer Infantry.

(A.)

SAN FERNANDO, P. I., June 4, 1899.

Maj. JOHN MALLORY, *San Fernando, P. I.*

SIR: In reference to dispatch received from assistant adjutant-general regarding the looting of San Roque by the Fifty-first Iowa, I was not in command at that time and know but very little about it. Captain Geary, First California Heavy Artillery, U. S. Volunteers, was the provost-marshal, and gathered all of the furniture that was of any value and stored it in a building that was set apart for that purpose. The officers had to get permission from Colonel Loper, who was in command at that time, to use a portion of the furniture for their quarters, for when the district of Cavite was turned over to our regiment very little furniture was left. All of the articles secured by us are being used by the Tenth Pennsylvania Infantry, U. S. Volunteers. We brought nothing away with us. As to the men, I do not think that they took anything of consequence, as the natives had been there previously and taken everything that was of any value.

Very respectfully,

M. MILLER,
Lieutenant-Colonel Fifty-first Iowa Infantry, U. S. Volunteers.

All the papers in the case were forwarded to this office by the commanding general, Department of the Pacific and Eighth Army Corps, by indorsement dated June 25, 1899, in which he states:

"This is one of many reports of investigation made upon statements found in

United States newspapers and purporting to be extracts from soldiers' letters sent from here to their homes.

"San Roque adjoins Cavite, and in February Admiral Dewey directed the insurgents to evacuate the place on pain of a naval attack. They did evacuate, together with all the inhabitants, and then set fire to the town. Troops (Fifty-first Iowa) were immediately sent in to extinguish the fire, which they successfully fought for twenty-four hours.

"Soldiers may have picked up some articles of abandoned property, but I do not think to any great extent."

E. S. OTIS,
Major-General, U. S. Volunteers, Commanding.

No. 5.

The Hon. Edgar Weeks, M. C., in a letter to the Secretary of War dated September 8, 1899, calls attention to a publication in the *Spokesman's Review*, Spokane, Wash., referring to a private letter written by Private Edward D. Furman, Company A, First Washington Volunteer Infantry, in which the soldier makes allegations concerning the conduct of his regiment in the burning and looting of houses of natives. The letter of Mr. Weeks was referred to the commanding general, Department of California, San Francisco, Cal., for investigation upon the arrival of the First Washington Volunteer Infantry in San Francisco. The investigation was made by the judge-advocate-general, Department of California, whose report is as follows:

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, Cal., October 24, 1899.

Private Furman's written statement was not called for until after it appeared from his oral statements that he would welcome the opportunity to make it. He was given twenty-four hours to think the matter over, with leave to abide by oral statements he had already made and withhold the written one as to him might seem best. By his own statement he is 29 years of age. He is intelligent, and was from the first made to understand that his silence was preferred to any word of his, uttered or written, under a sense of obligation amounting to duress. From his oral statements, written down when made, I quote:

"As to jewelry, some of the men did find some in houses hastily abandoned by the occupants, and in others from which our men were fired upon. Our men sometimes got trace of buried treasure money and dug it up. The most I ever saw was shown by one of our men, some gold in a handkerchief; as much as one could hold in the hand.

"Have heard of other and larger sums being found.

"I saw no highway robbery, no wanton cruelty nor illtreatment of wounded Filipinos; on the contrary, I saw them as kindly cared for as our own. Our men were not cruel; they were kindly.

"I think I wrote the letter after the first battle, February 4 and 5, 1899. The burning was at Paco, a few miles from Manila. The whole place was burned, except a few buildings the troops occupied. Two companies (A and I) were there before the fight. During the fight the enemy fired on us from the buildings, and they, in that manner, killed some of our men. We burned the outlying portion of the town to drive out the sharpshooters. Most of the houses were Nipa huts, built of bamboo frames with thatched roof; but some were more substantial, with stone foundations and second story of wood, with roof of tile or galvanized iron. All the houses were not burned on the day of the battle, many being burned subsequently and at different dates. I wrote the letter to a personal friend who was in Spokane, in the post-office there. He was there when I volunteered. We had once been partners in the publication of the *Cheney Free Press*. I did not desire its publication and did not think it would be published. I did not, in fact, think much about it one way or the other. I was surprised when I saw it in the papers, and regretted it. I had not for a moment anticipated the construction put upon it. The fact is, the burning was a military necessity to save the lives of our men. When the buildings were on fire it was both natural and right to save as much of the contents as would be useful to us or add to our comfort. When the Filipinos remained in their houses they were not disturbed, but were protected."

Chinamen were persistent and industrious in looting property from abandoned houses, and the men knew that to leave anything that they could apply to their own comfort was to let the Chinamen carry it off. But this, as far as practicable, was stopped later on.

Capt. Albert Otis commands the company to which Furman belongs. He and

other officers confirmed the facts of his published letter regarding the burning of houses and the taking and using of furniture. That individual men behaved badly they do not doubt, but their evil work was done secretly and in defiance of orders and the general sentiment of the troops. The men did search for money. They also secured many things in the way of mementoes. There was little Filipino clothing found, rescued from burning houses, or otherwise obtained that was of much value or could be used by the men.

So far as Furman's letter implies general license to steal, rob, and loot generally, they hold it to be false. The scenes he refers to attended the conditions of actual battle and the destruction by burning of dwellings, etc., under orders made imperatively necessary to save the lives of our men, to drive off the enemy, and prevent his returning under cover to renewed attacks, especially by sharpshooters. Some of the officers insisted that they lost men through too tender a regard for property that should have been given to the flames with greater promptness and thoroughness than was actually done.

The foregoing facts, carefully sifted from notes taken at many interviews with members of the First Washington Infantry Volunteers, give to Furman's letter, it is believed, its truthful setting. Taken by itself it implies unprovoked outrages upon defenseless people; but when related to the scenes of destruction and disorder that usually attend upon actual battle, it is shorn of most of its malicious suggestion. That the writer intended to make the impression the publication of his letter created is doubtful. Unfortunately for him, however, his reputation as a soldier does not stand high with his comrades. No attempt was made by me to fathom his motive nor question his character. Men and officers are inclined to the belief that his letter, like those written by many other soldiers and some officers following upon the opening of hostilities, was a thoughtless act. The appearance of letters printed in full or in part in the papers from home, wherein a spirit of boastfulness or effort at vivid description with little regard to the truth was evident on the part of the writers, subjected them to such "merciless guying" at the hands of their comrades that a noticeable modification for the better speedily followed.

As an illustration of the disposition "to draw the long bow," Maj. Lewis R. Dawson, First Washington Infantry Volunteers, instanced his surprise at finding in a Tacoma paper an account of a deadly assault made upon him by a Filipino soldier whose wounds he at the time was dressing. The story was a pure fiction. He called the soldier before him and, asking him why he had written it, received as a reply that he did not know. The soldier also confessed that he had not even heard of such an act. Speaking of Furman, Dr. Dawson volunteered the statement that this man had been ever persistent in asking to be placed on "sick report," and on one occasion he had to return him to duty against pretenses of illness too specious to make any mistake in his, the surgeon's, diagnosis of practically normal health doubtful. He gave it also as a psychological fact that men of doubtful courage and lacking in rugged manliness are prone to shout loudest over wonderful deeds done or witnessed by them. This is but the confirmation anew of a truth as old as the race.

Respectfully submitted.

S. W. GROESBECK,
Judge-Advocate, U. S. A.

The written statement of the soldier himself, made to the officer investigating the case, is as follows: .

PRESIDIO OF SAN FRANCISCO, CAL., *October 18, 1899.*

The article in question is as a whole correct, but the word "looted" should have been omitted. The articles quoted were taken from houses that were abandoned by insurgents at the time hostilities began and at a time when everything was in an unsettled condition. The Chinese were carrying away everything in sight, and what remained was consumed by fire. All furniture, etc., was left in our quarters when we moved, and the horses, carriages, etc., were turned in to the quartermaster, who in turn restored them to their owners when called for.

I never knew of a case of any occupied house being entered or inmates molested. On the contrary, they were given every protection. There was no case of wanton burning. The buildings were only fired to dislodge armed insurgents who fired upon and killed and wounded our men.

The letter I wrote to a personal friend, and it was of a strictly private nature and was not intended for publication. It was written a few days after hostilities began, when everything was in a turmoil and before any orders had been issued regarding entering abandoned houses. Later order was restored, and orders were issued from department headquarters forbidding the men to enter or take articles from deserted houses.

EDWARD D. FURMAN,
Private, Company A, First Washington Infantry, U. S. Volunteers.

In forwarding the papers to this office the commanding general, Department of California, states in his indorsement that:

HEADQUARTERS DEPARTMENT CALIFORNIA,
San Francisco, October 26, 1899.

Respectfully returned.

The reputation of this man, as shown by Major Groesbeck, is such that his boastful and untrue statement of actual conditions is not to be wondered at.

It is very well known and understood that under the circumstances men become very careless, and it seems to be admitted that much property was taken for temporary use of troops to increase their comfort.

WM. H. SHAFTER,
Major-General, Commanding.

No. 6.

W. J. Kennard, writing from Ventura, Cal., to the Secretary of War, under date of June 7, 1900, incloses a copy of a letter from Private E. E. Baker, Company I, Forty-sixth Infantry, U. S. Volunteers, which was published in the *Western Independent* under date of June 7, 1900, in which the soldier states that the indiscriminate killing of the natives is practiced, and their houses wantonly burned. The papers were referred to Major-General MacArthur by letter dated June 16, 1900, for investigation, which was conducted by Lieut. Col. E. M. Hayes, Fourth U. S. Cavalry, whose report thereon is as follows:

PASAY CAVALRY BARRACKS, P. I.,
August 9, 1900.

The ADJUTANT-GENERAL, DEPARTMENT OF SOUTHERN LUZON,
Manila, P. I.

SIR: In compliance with instructions contained in letter from your office dated August 4, 1900, I have the honor to report that I have made a full and thorough investigation of the statements made by Private E. E. Baker, Company I, Forty-sixth Infantry, and published in the *Ventura Independent*, a newspaper of Ventura, Cal.

Said statements have only a slight foundation, and in this connection I respectfully call attention to the letter of First Lieut. J. B. Webb, Forty-sixth Infantry, commanding the scouting and surveying party on the occasion mentioned in Private Baker's letter, giving a detailed statement of the affair. In my opinion he adopted the only course open to him for a successful resistance when he fired the bamboo thicket and the shacks (not houses) from which the shots were fired at his party, and the fact that he made prisoners of the occupants of the shacks is proof of the mercy shown the natives by our troops. He would have been justified in using drastic measures in retaliation for the cowardly and unprovoked attack on his men.

I also inclose letter of Private E. E. Baker, voluntarily written and submitted, in which he makes retraction of these many highly colored statements in his former letter published in the *Ventura Independent*, and claims that said letter was only intended for "jollyng" his parents and was not intended for publication.

In addition I will state that no detachment, however small, has been or is allowed to leave Silang without definite and pointed instructions; and authority to maltreat the natives or to commit the slightest injury has never been granted to any party or individual. There has never been any wholesale burning of houses; on the contrary instructions have always been given to preserve houses and shacks of natives, unless absolutely necessary to destroy them to reach the enemy. All officers and men have been and are held to a strict accountability for their actions toward the natives, who are encouraged to present their complaints to the commanding officer. I believe the commanding officer, Col. W. S. Schuyler, Forty-sixth Infantry, maintains excellent discipline, and through his wise management the natives can have no foundation for complaint.

It is ascertained that the letter published in the *Ventura Independent* was strictly private correspondence and not intended for publication. It seems that the character of this man is excellent and that he is a good soldier. The statements contained in his letter of explanation are believed to be true, and I am convinced that this investigation will prove sufficient punishment for the offense and warning against anything of the kind in the future.

Very respectfully,

E. M. HAYES,
Lieutenant-Colonel, Fourth Cavalry.

In connection with the investigation First Lieut. J. B. Webb, Forty-sixth Volunteer Infantry, the soldier's company commander, reported as follows:

SILANG, P. I., August 6, 1900.

Lieut. Col. EDWARD M. HAYES,
Fourth U. S. Cavalry.

SIR: In compliance with your verbal request I have the honor to state that Private E. E. Baker, Company I, Forty-sixth Infantry, U. S. Volunteers, probably refers to an engagement between about 60 natives and a surveying party of 20 soldiers under my command, which occurred about 6 miles south of here on the afternoon of March 19, 1900, in which six houses or huts were burned and a trench and sharpshooters' nest destroyed.

Shots were first fired at us from a house 200 yards to our right and out of which 4 natives were captured. We were then fired upon from some houses or huts concealed in a bamboo and banana thicket, which it was necessary to set on fire in order not to unnecessarily expose my men to the fire of an unseen enemy. Four men surrendered from this place, which we found afterwards had a trench and sharpshooters' nest above referred to. No other house or houses were burned that I know of. During this time we were under fire from two houses near by, 1,000 yards farther away, and which we could not reach owing to an impassable ravine. We drove the enemy from these last two houses by firing volleys into them and driving out between 50 and 60 natives at whom we continued to fire until they were hidden from view in the brush or ravines.

No dead bodies were found, but I presume some natives were hurt, as the firing continued for some time, and the next morning I discovered a party of natives carrying a wounded Filipino in an insurgent uniform on a stretcher.

I have never ordered, nor have my men killed an unarmed native, nor has the wanton destruction of property been permitted. On the contrary, every consideration has been given the inhabitants of the hostile country, in which my work has been performed, not inconsistent with the safety of my men.

Very respectfully,

J. B. WEBB,
First Lieutenant, Forty-sixth Infantry, U. S. Volunteers.

The statement of the soldier is as follows:

SILANG, P. I., August 7, 1900.

Lieutenant-Colonel HAYES,
Fourth Cavalry.

SIR: I desire to say with regard to a letter that I wrote home and which was published in the papers, that I did not suppose that anyone would publish it and that I made certain statements in it that were not correct, more to amuse my parents and show them that I was not in any great danger than anything else.

The statement that we shot people like rabbits was not so, of course, and I thought they would understand it was intended as a joke. When we were attacked we fired back like soldiers at anyone who had a gun, and afterwards burned the shacks which they fired at us from, but no others.

We have always had orders to treat natives kindly and observe their rights, and have never been ordered to burn houses unless they were known to be hiding places of the ladrones.

I have been asked to make this explanation of my letter, which, as I said before was only intended for my father and mother to see, and I do so freely and willingly to correct any wrong impression which my half-joking letter may have caused.

Respectfully,

EDWARD E. BAKER,
Company I, Forty-sixth Infantry, U. S. Volunteers.

Mr. W. W. Brown, Auditor for the Navy Department, Treasury Department, in letter dated June 12, 1900, addressed to the Secretary of War (328840 A. G. O., 1900), inclosed a clipping from the Bradford, Pa., Evening Star, publishing a letter from Private Burt A. Stanley, Company B, Forty-seventh Infantry, U. S. Volunteers, which recites instances of robbery committed by the Forty-seventh U. S. Volunteers against the Filipinos. The statements of this soldier were referred to Major-

General MacArthur by letter dated June 16, 1900, for investigation, which was conducted by Lieut. Col. E. M. Hayes, of the Fourth U. S. Cavalry. Lieutenant-Colonel Hayes's report is as follows:

PASAY CAVALRY BARRACKS, P. I., *September 15, 1900.*

ADJUTANT-GENERAL, DEPARTMENT SOUTHERN LUZON,
Manila, P. I.

SIR: In compliance with instructions contained in letter from your office dated August 4, 1900, I proceeded to Bulan, P. I., for the purpose of investigating the statements made by Private Burt A. Stanley, Company B, Forty-seventh Infantry, U. S. Volunteers, and published in the Bradford Evening Star of Bradford, Pa.

Private Stanley disclaimed having written the article as published in the Bradford Evening Star, but admitted that portions of the same were taken from letters written to his mother and that he never authorized the publication or his signature to the article, and was surprised and indignant at the liberties taken with his private correspondence.

He bears a good character in his company, but is not, in my opinion, sufficiently educated to be the author of the article contained in the clipping.

The conditions mentioned in the statement are without foundation, and to a great extent, purely imaginary.

The affidavit of Private Stanley, in which he admits the falsity of the statements and the certificates of his company officers to the same effect, are herewith attached.

I respectfully recommend that these papers be referred to the editor of the Bradford Evening Star for his guidance in the publication of such articles in the future.

Very respectfully,

E. M. HAYES,
Lieutenant-Colonel Fourth Cavalry.

The officers of Company B, Forty-seventh Infantry, U. S. Volunteers, unite in the following statement:

BULAN, P. I., *September 10, 1900.*

We, the undersigned, officers of Company B, Forty-seventh Infantry, U. S. Volunteers, certify that the following statements contained in clipping from the Evening Star, Bradford, Pa., June 8, 1900, entitled "Letter from the front," and written by Private Burt A. Stanley, Company B, Forty-seventh Infantry, U. S. Volunteers, are not true and without any foundation whatever.

STATEMENTS.

I. "It would mean something to us, as there are millions of dollars in this town, and if there were an outbreak here the people would have to get out, for they would be killed if they didn't, and that would give us clear sailing in this town."

II. * * * "I could go back to the United States a rich man, for there is money enough in this town to make every man in our company well to do." * * *

III. "After the soldiers searched the town they found no less than \$500,000 Mexican money." * * *

"The natives returned to their town, but upon finding their money all gone they would have fought. Oh, we always manage to get the money, and we are allowed to do so when they take up arms against us. We are allowed to ransack any town that is insurgent." * * *

"Oftener the boys find a belt on a dead nigger containing quite a large stake." * * *

CHARLES C. McLAIN,
Captain, Forty-seventh Infantry, U. S. Volunteers,
Commanding Company B.

CHARLES H. MORROW,
First Lieutenant, Forty-seventh Infantry, U. S. Volunteers.

B. P. DISQUE,
Second Lieutenant, Forty-seventh Infantry, U. S. Volunteers.

The sworn statement of Private Stanley is as follows:

Personally appeared before me the undersigned authority, Burt A. Stanley, private, Company B, Forty-seventh Infantry, U. S. Volunteers, who, after being duly sworn according to law, deposes and says: That he makes this affidavit of his own free will and accord, and that his object is to deny and disavow the truth of an article pub-

lished in the Bradford, Pa., Evening Star of June 8, 1900. That the article above mentioned in the paper and of the date above mentioned was taken from several letters that he had written to his mother. That he never intended these letters for publication, and that his letters as appearing in said paper has to some extent been changed and rearranged by the editor or correspondent of said paper.

The deponent further says that his words in paragraph I, as follows: "It would mean something for us, as there are millions of dollars in this town, and if there were an outbreak here the people would have to get out; they would be killed if they didn't, and that would give us clear sailing in this town," are without foundation and untrue. That further words in paragraph III, as follows: "The natives returned to the town, but finding the money all gone would have fought," are also untrue and without foundation. That the sum of \$500,000 was not taken, or any other sum of money. That his words, "Oh, we always get the money; we are allowed to do so when they take up arms against us. We are allowed to ransack every town that is insurgent," are also untrue and without foundation, as he has never taken himself, seen others take, or heard permission given to others to take money or loot any insurgent town. Further deponent saith not.

BURT A. STANLEY,
Private, Company B, Forty-seventh Infantry.

Subscribed and sworn to before me this 10th day of September, A. D. 1900.

CHARLES H. MORROW,
First Lieutenant, Forty-seventh Infantry, U. S. Volunteers, Summary Court.

8.

George A. Lickiss, in a letter dated Arlington, Iowa, July 30, 1900, addressed to the President, incloses a newspaper clipping publishing an Associated Press dispatch from Manila, which relates that Company I, Fortieth U. S. Volunteer Infantry, killed 89 natives at Oroquieta, island of Mindanao, and subsequently the gunboat *Callao* shelled the city, burning the warehouses, all of which was done in the retaliation of the killing of two soldiers. This communication was referred on August 7, 1900, to the commanding general, division of the Philippines, for investigation and report, and was returned with the report of the company commander, which is as follows:

OROQUIETA, P. I., *October 13, 1900.*

GEO. A. LICKISS, *Arlington, Iowa.*

SIR: In answer to your communication addressed to the President and by him him referred through channels to this post to be answered, I have the honor to write as follows:

The post of Oroquieta, Mindanao, was garrisoned by Company I, Fortieth Infantry, U. S. Volunteers, upon July 9, 1900, the troops going into quarters in the former convent next the church. The company was sent to the post to open the port as requested in an act formed by the town council, assembled and all members present.

The day following the arrival the people commenced to leave the town, and we received word indirectly that the insurrectos were going to attack. No word was given by any native of authority, though many knew it before the attack took place. Being the first American troops to land here, the formations for roll calls and all other purposes were watched by large numbers of people daily and at reveille roll call, upon the 12th of July conditions were the same, and though the women had nearly all left town there were a large number of men watching the roll call. Lieutenant Masteller was at the time commanding the post. The soldiers were allowed to leave quarters in groups of not less than two, and then they were required to be armed. Following the reveille roll call two sergeants proceeded down the street two blocks and just out of sight of barracks to a native store (bakery). Here, while standing in the street with butts of their rifles upon the ground, each was jumped upon by three natives armed with knives, and one was stabbed in the stomach, dying upon the spot, and the other was stabbed under the arm (wound moderate). The former in the scuffle before being killed, managed to fire his rifle, giving the alarm to the garrison. The other sergeant escaped to the quarters also immediately. By now the insurrectos had surrounded the barracks and commenced to fire at the barracks from both front and rear. The convent itself is surrounded by a stone wall about a large yard, and behind this wall and the church (distant 75 feet) were about 200 insurrectos, some with rifles, the majority with knives. The insurrectos firing

from the front were hidden by an old stone-house foundation, and also by high weeds and brush. The orders were such that in case of attack the most of the company should go to the windows and porch and a squad report to Lieutenant Masteller in front of the barracks.

This squad the latter officer deployed and charged around the church and wall, not knowing what hostile troops were there nor how they were armed. This was where the majority of the 89 "innocent" natives were killed and a firearm or bolo or spear removed from each. The number of firearms taken was six, one of which was a Krag rifle which had been taken from an American soldier killed at Loculan, 12 miles from here, by the same troops in part that attacked this garrison. There the attack was more successful, as the natives rushed into the house where the American troops were, and before they could be repulsed had stabbed to death seven American soldiers, being the whole guard, and wounding a number of others. The method they follow is to get close and then draw their bolos, always concealed until the moment of using under loose trousers, and you can easily guess what mischief they can do when they are mixed with your own men so the latter can not fire. Vigorous measures have to be taken against large numbers, when they are close, to prevent this occurring, as it did in the instance referred to. By each of the prisoners captured that morning we were told that they had come in to fight the American soldiers. From later knowledge it is known that near 1,000 natives were engaged in the attack, but all had not gotten to the quarters when it commenced.

As to the gunboat *Callao*, spoken of in the same dispatch, it was lying in the bay in front of the barracks, and when the firing commenced it also opened up on the town, which was deserted (with the exception of the insurrecto soldiers), and the shells of said boat burned a small wooden warehouse and one nipa house. One sailor aboard was shot, while handling a Colt gun, from the shore by insurrectos.

A word as to the personnel of the troops concerned, and of the revolutionists, who still hold together as an organized force in this vicinity. The most of the officers are renegade Tagalos and many of the soldiers disciplinarios; the latter are men who were sent to this island by the Spaniards for having committed some crime in Luzon. Here they were placed between the sea and the Moor country, which they could not enter, and compelled to be soldiers. These people have in their possession the rifles, and intimidate and impress the unwilling into service. It is an absolute fact that they have punished even to death some natives who have been no more than friendly to our troops. The general who is in command of them is not really in command, for they have the rifles and have a guard over him. He desires that they surrender. Their only other general was captured by us two weeks ago, and he himself says the men are robbers and hard characters and most of the officers are the same. Being captured, he stated, was the only way he could get away from them without great peril to himself, family, and belongings.

In conclusion, I wish to say that Lieutenant Masteller and his command have received very unjust notices through the press of the United States. The cable as sent and published was never more than a hearsay recital of the things that occurred, and it was twisted worse than the story of the three black crows.

It is unnecessary to tell you how outraged the soldiers of this and all other organizations are when such lying reports are circulated, which if true would be blots upon the American Army and nation.

Respectfully,

W. B. ELLIOTT,
Captain, Fortieth Infantry, U. S. Vols., Commanding Post.

Under date of September 8, 1900, Charles M. F. Striger, in a letter dated Covington, Ky., wrote to the Secretary of War relative to a speech made by the Hon. John P. Altgeld, of Illinois, in which letter Mr. Striger stated that the Hon. John P. Altgeld referred to a newspaper clipping purporting to publish a private letter from Private Thomas W. Jones, Company G, Eleventh Volunteer Cavalry, in which the soldier is quoted as having written detailing the firing by our soldiers into a wedding party, killing the bride and wounding or killing the groom and several others attending the wedding. An investigation of this matter by the commanding general, Division of the Philippines, was directed under date of August 20, 1900, and the report of Maj. S. W.

Miller, Forty-sixth U. S. Volunteer Infantry, acting inspector-general second district, Department of Southern Luzon, is as follows:

CALAMBA, P. I., *October 17, 1900.*

The ADJUTANT-GENERAL,

Second District, Department of Southern Luzon.

SIR: I have the honor to submit the following report of an investigation made by me pursuant to third indorsement on communication, to which this forms an inclosure. Upon receipt of communication I went to Santa Cruz and Pagsanjan, province of Laguna, and entered upon the duty assigned, viz: to investigate the alleged "massacre of Filipinos at Santa Cruz, P. I., June 25, 1900, where 12 Filipinos were killed and the like number wounded, an elderly lady shot through the leg, and a little child had her arm shot off."

At 6.10 o'clock on the morning of June 25, 1900, an expedition of United States troops numbering 6 officers and 126 men, composed as follows, viz, 30 men each from troops A and G, Eleventh Cavalry, U. S. Volunteers, under Capts. E. A. Sturges and E. L. Glasgow; 42 men from troops E and L, Eleventh Cavalry, U. S. Volunteers, under Capt. William J. Kipp, Eleventh Cavalry, U. S. Volunteers, and 24 men from Company H (mounted), Thirty-seventh Infantry, U. S. Volunteers, Lieut. E. S. West, Eleventh Cavalry, U. S. Volunteers, commanding temporarily, and Maj. Francis A. Winter, surgeon, Thirty-seventh Infantry, U. S. Volunteers, all under the command of Capt. E. D. Scott, Thirty-seventh Infantry, U. S. Volunteers (second lieutenant, Sixth U. S. Artillery), left Pagsanjan; the object of the expedition was the capture of the insurgent General Cailles. A native furnished by Capt. A. F. W. Macmanus, Thirty-ninth Infantry, U. S. Volunteers, in charge of the secret service at the headquarters of the second district, Department of Southern Luzon, and for whose ability and knowledge of the country Captain Macmanus vouched, accompanied the command as guide.

The command marched to Cavinti, P. I., where the guide took a trail to the east, but gradually changed direction until at 10 o'clock a. m., same day, the expedition found itself headed due west and at the ford of the Pagsanjan River, not over 3 miles east of the town of Pagsanjan. At this point Captain Scott asked the guide if he knew where he was going. He acknowledged that he had lost the trail, and was permitted to cross the stream to get another native, who he said would put him right. The guide returned with the native, the command took up the march, and at 4 o'clock p. m., after eight hours' riding, reached a point near San Antonio, ordinarily reached in two and one-half hours from Pagsanjan, the guide furnished having impressed at least one other native as guide since leaving the ford of the Pagsanjan River.

At this point it became necessary to leave the horses. Captain Scott then took ten men each from Troops A, G, E, and L, Eleventh Cavalry, U. S. Volunteers, and Company H, Thirty-seventh Infantry, U. S. Volunteers, and with Captains Kipp and Sturges, Eleventh Cavalry, U. S. Volunteers, and Major Winter, surgeon Thirty-seventh Infantry, U. S. Volunteers, proceeded on foot along a trail to the eastward from San Antonio, the guide still leading. After marching about a mile the guide pointed out a house as that of General Cailles. The house was surrounded and searched, but proved to be that of an ordinary native family. Other houses were pointed out by the guide as occupied by the insurgents, but upon examination were found to be vacant. The command proceeded, and toward sunset, about 3 miles from where the horses were left, loud voices and laughter were heard. A reconnoissance was made, and a large number of natives were located in a house about 400 or 500 yards distant. The guide said they were insurgents.

Captain Scott divided his command with the intention to surround the house. Sent Captain Kipp with the detachments from L and E Troops to the right. Held the detachments of A and G Troops and Company H, Thirty-seventh Infantry, with Major Winter and Captain Sturges, under his own immediate command. After Captain Kipp had been gone a short time Captain Scott gave orders to his immediate command to advance rapidly on the house. The troops were concealed by the brush, and when they emerged from the same about 75 yards from the house it was discovered that the house was situated on the far side of a stream not fordable. The only way of crossing was a bamboo rail. As soon as the troops came in sight the natives in the house started to run away. Captain Scott was in the advance, saw armed men running around the corner of the house, and shot at them. One of these men was later killed by Corporal (now First Sergt.) Robert Anderson, Company H, Thirty-seventh Infantry, U. S. Volunteers. Captain Scott crossed the stream on the bamboo rail, ran around the corner of the house to the rear of it where the armed men had disappeared, but was obliged to return, owing to the fire of his own men. This fire came from the men of Company H, Thirty-seventh Infantry, U. S. Volunteers (in the lead), and Troops A and G, Eleventh Cavalry, U. S. Volunteers.

who opened fire on the house without command and continued to fire into same until threatened by their officers if they did not cease. Captain Sturges drew his revolver and threatened to shoot the next man who shot toward the house. The firing then ceased. A few shots were fired by the troops under Captain Kipp, but as far as I could learn only at native men running away.

A few, probably three, armed native men were seen. They ran to the brush, as did many others. Orders were given to fire upon them. They were pursued some distance. After the affair was over (it lasted but a short time) it was found that the house was a new one, very large, as native houses go, more of shelter than a house, partly open on one side. In it were found many women and children huddled under a floor raised probably $3\frac{1}{2}$ feet from the ground. A table was set, and food (chicken, pig, rice, etc.) was found on it, as though the natives were engaged in a feast. A large quantity of rice was stored in one end. About 20 war bolos and some ammunition were also found in the building. A number of women and children were found outside, sheltered by the bank of the stream, where they had taken refuge when the firing opened. Three rifles were captured.

The casualties were 2 men and 1 woman dead, 1 woman and 2 children wounded, all natives, and found in the building. The gathering in the house was no doubt that of a celebration or feast of some kind, most probably a wedding, but I could find no evidence that the bride had been killed or the bridegroom wounded in the unfortunate occurrence. The house was destroyed, and after caring for the wounded as much as circumstances permitted, the command returned to their stations. Private Thomas W. Jones, Troop G, Eleventh Cavalry, U. S. Volunteers, admitted writing a letter to his brother at Washington, D. C., concerning the affair, but told me he had exaggerated the number killed, and that the clipping is a gross exaggeration of the letter he wrote.

Very respectfully,

S. W. MILLER,
Major, Forty-sixth Infantry, U. S. Volunteers,
Acting Inspector-General.

In forwarding the report of Major Miller to division headquarters, Maj. Gen. J. C. Bates, U. S. Volunteers, commanding Department of Southern Luzon, states:

MANILA, P. I., *October 23, 1900.*

This matter seems to have been grossly exaggerated in the newspaper report, and the occurrence, deplorable as it is, seems to have been due to armed insurrectos mingling with a festive gathering. It is gratifying to learn that the officers were not responsible for the indiscriminate shooting upon the house, but took stern measures to stop the firing.

The harrowing account of the killing of a bride and bridegroom seems to be pure fiction.

In forwarding the papers to the Adjutant-General of the Army, Major-General MacArthur, commanding the Division of the Philippines, says:

MANILA, P. I., *November 11, 1900.*

Respectfully returned. The circumstances described was undoubtedly the result of an accident arising largely from the misdirection of the guide, who assumed to know more of the situation than the facts justified; a not uncommon thing in this country.

The result was deplorable from every point of view, but was the consequence of one of those unavoidable accidents continually arising in war, more especially under such difficult conditions as have arisen from the system inaugurated by the insurgents.

Although the soldier in writing his letter exaggerated in an indefensible manner, the circumstances themselves are so tragic as to arouse a sense of keen regret on the part of all the officers concerned.

ARTHUR MACARTHUR,
Major-General, U. S. Volunteers, Commanding.

In December, 1900, a newspaper clipping originating with the Valparaiso (Ind.) Evening Messenger, published an alleged letter from Benjamin Sierks, Sixteenth U. S. Infantry, in which was recited the inhuman treatment of certain Filipino prisoners by the commanding officer at Cabagan, Nuevo, P. I. The clipping was referred

to the commanding general, Division of the Philippines, for investigation on January 3, 1900. The report of Second Lieut. Ernst. Hagedorn, Sixteenth U. S. Infantry, commanding officer at the above-named station, who was the officer concerned, is as follows:

[Third indorsement.]

ILAGAN, P. I., *April 19, 1901.*

Respectfully returned to the adjutant, Ilagan.

The special diet mentioned in this communication was used in June, 1900, at Cabagan, Nuevo, by my orders and for the following reasons:

I was ordered to take command of Cabagan, Nuevo, on June 12, twelve days after an attack made on the detachment of Lieutenant Butler, Forty-ninth Infantry, U. S. Volunteers, and about two months after the assassination of Private Anderson, Company E, Sixteenth Infantry. After looking over the situation I came to the conclusion that the attack had been made mainly by inhabitants of the town itself. All other means of obtaining information about the occurrence proving failures, I seized three suspicious characters; these on being questioned refused to give any information at all. I then ordered them confined to the stocks, with a diet of salt fish without water. This diet had excellent direct results. After forty-eight hours all three gave more or less information which led to the capture and wounding of 1 Tagalo, the capture of 15 guns and rifles of different makes, several revolvers, and over 50 war bolos. An order issued by me to turn in all the arms in the possession of the people had resulted in the delivery of a single bolo. On information given by these three I was enabled to arrest 60 persons that had participated in the attack on Cabagan; these people were put to work on the streets of the town and were released after three or four weeks. The ultimate results which were achieved after I had left Cabagan on July 14 were considerably more important. Of the three prisoners who underwent the treatment, one is now sergeant of police of Cabagan, Nuevo. He has captured one Mauser rifle from the enemy, and has lately been commended by the district commander for repulsing with loss a party of insurgents. There is no doubt that previous to his capture he was one of the desperate characters of the community and that he had full knowledge of all that happened on May 30. Another, Silvestre Gallardo, has recently been assassinated on account of services rendered our forces. The third one, a certain Pio Bani, after working diligently for some time, was lost sight of, probably having backslidden; in his case another application of the treatment would probably renew his ardor for the cause.

The health of none of these men was ever injured by this treatment, nor was it administered in any spirit of revenge or anger, but solely for the best interest of the service and as the only means of obtaining information and protecting the lives of my men and of peaceful citizens—if there were any at that time—against assassination. As the ultimate result of this treatment Cabagan Nuevo, which, as every officer who has served in the subdistrict of Tuguegarao knows, was one of the most violent and rabid towns of the Cabagan Valley, is now probably the most peaceful. None of the men taken prisoners could properly be called prisoners of war. They were inhabitants of Cabagan Nuevo, who would from time to time take to the woods for such military operations as they thought they could perform without danger to themselves. According to the laws and customs of war, I should have been justified in summarily executing them. In connection with this I respectfully cite from Mercur's Elements of the Art of War, a recognized text-book at the United States Military Academy. Speaking of guerrillas, he says in section 314: "Or they may be independent bodies of ununiformed men, banded together under their own chiefs, uniting for execution of some object, legitimate or not, and dispersing to their homes when they think it expedient." In section 315 he says: "The members of bodies of the second class are not subject to the authorities of a country, are not restricted by the laws of war, and are generally treated as outlaws and summarily executed if captured."

Again he says, in section 310: "In a hostile country all organized bands must be hunted down and destroyed, and most severe measures used if necessary."

ERNST HAGEDORN,
Second Lieutenant, Sixteenth U. S. Infantry.

In forwarding the report of Lieutenant Hagedorn, Col. Charles S. Hood, regimental commander, remarks as follows:

HEADQUARTERS SECOND DISTRICT,
DEPARTMENT NORTHERN LUZON,
Aparri, P. I., May 2, 1901.

Lieutenant Hagedorn has been most energetic in the performance of his duties and has rendered valuable service in the pacification of this district. It is believed he acted in the best interest of the service, even if mistakenly, and it is recommended that no further action be taken in this case.

CHAS. S. HOOD,
Colonel Sixteenth Infantry, Commanding.

No. 11.

In a letter written by Sergt. Charles S. Riley, Company M, Twenty-sixth U. S. Volunteer Infantry, which was published in the Northampton, Mass., Herald about March 8, 1901, in which letter the soldier related various crimes of violence against natives, it was stated that the "water cure" was administered to extort information, and that the town of Igaras, Panay, was burned to the ground. This publication called forth a number of letters to the Department protesting against such outrages. One letter, from Isaac Bridgeman, dated Northampton, Mass., March 13, 1901, was on March 19, 1901, referred to the commanding general, Department of California, for reference to the commanding officer Twenty-sixth U. S. Volunteer Infantry, upon its arrival in the United States, for report. This letter was returned by indorsement of the commanding officer of the Twenty-sixth U. S. Volunteer Infantry, dated April 24, 1901, with his report, as follows:

[Fourth indorsement.]

HEADQUARTERS TWENTY-SIXTH INFANTRY, U. S. VOLUNTEERS,
Presidio of California, ——— —, ———.

Respectfully returned.

Sergeant Riley, Company M, Twenty-sixth Infantry, U. S. Volunteers, states that the publication inclosed was of a private letter and without any authority whatever. The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated. Undoubtedly there were violations of the rule and custom of war; and as the complainants may have overlooked notice thereof, I shall state a few cases within my personal knowledge. In November, 1899, at Jaro, a large flag of truce was used to entice officers into ambush. By order of the commander all persons displayed white flags in the country where our troops operated. This was not for protection, but to give warning to insurgents to hide their guns and disguise themselves. Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities at Calinog. Private Nolan, at Dingle, was tied up by the ladies while in a stupor; the insurgents were sent for and cut his throat with a sangut. The body of Corporal Donehy, of Company D, was dug up, burned, and mutilated at Dumangas. Private O'Hearn, captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up. Lieut. Max Wagner was assassinated on the road to Pototan, October 1, by insurgents disguised in American uniform. These are only a few instances confined to this regiment. Atrocities committed by Sandatajanes or Pulajananes are too numerous to mention. Details can be furnished of the butcheries at Leganes and Mina and of burial alive near Barotac Nuevo. The conduct of the American troops in the Philippines has been so humane as to be a continued source of surprise to all foreigners and to the natives. Although General Orders, No. 100, has not been revoked, its provisions against treachery, according to the law and custom of war of all civilized nations, have never been applied to my knowledge.

J. T. WICKMAN,
Lieutenant-Colonel Twenty-sixth Infantry, U. S. Volunteers, Commanding.

No. 12.

Peter Pearl, a colored man, in a letter to the President, written from St. Louis, Mo., under date of July 17, 1901, states that he was an "attaché" of the Thirty-eighth U. S. Volunteer Infantry, and saw while with that regiment many cases of illtreatment of Filipinos, specifying an assault on a native woman 70 years of age, to whom was administered the "water cure" to such an extent that she was rendered insensible by the treatment she received, and that "Lieutenant Congo, at Nabolos, island of Negros," administered the "water cure" to a priest and the town officers of that place under circumstances of great cruelty and brutality. In connection with these charges against the Thirty-eighth U. S. Volunteer Infantry, he refers to the harsh treatment experienced by the natives at the hands of the Twenty-first U. S. Infantry, stating that the Filipinos were beaten and otherwise abused by men of that regiment. These papers were referred to the commanding general, Division of the Philippines, under date of July 22, 1901, and were returned with the report of the commanding officer of the Twenty-first U. S. Infantry, and also of Maj. George S. Anderson, Sixth U. S. Cavalry, formerly colonel of the Thirty-eighth U. S. Volunteer Infantry, which latter regiment had been at that time mustered out of service. The reports are as follows:

[Fourth indorsement.]

HEADQUARTERS TWENTY-FIRST INFANTRY,
Lipa, Batangas, Luzon, P. I., September 22, 1901.

Respectfully returned.

From inquiries made of the presidente and the principal people of the town, I have not been able to find anyone who knows this man.

The regimental commander desires to state that the charges which appear in the letter in regard to the Twenty-first Infantry are unqualifiedly false.

JACOB KLINE,
Colonel Twenty-first Infantry, Commanding.

[Seventh indorsement.]

PANAY CAVALRY BARRACKS, P. I., *October 6, 1901.*

Respectfully returned to the adjutant-general, Department Southern Luzon. I indorse the statement of Colonel Kline that, "so far as the charges refer to the Twenty-first Infantry, they are unqualifiedly false." They are equally false as regards the Thirty-eighth Infantry, U. S. Volunteers. There were but four colored men ever associated with the Thirty-eighth Infantry. One, a mere boy, called "Snowball," was sent to Manila from Batangas for robbing and striking a native woman; another, Eugene Hunt, my personal servant and brought by me from Washington, D. C., was sent to Bilibid for a term for robbing me. This was also from Batangas, and neither of them was in Panay. There were two elderly colored men who came over with the regiment as cooks for officers' messes. The only names I ever knew for them were "Pete" and "Sam." After we arrived here they were never at the same post that I served at. I believe that both returned with the regiment to the United States. One of them was a crazy exhorter, who, on all occasions, insisted on preaching most ridiculous sermons, to the great amusement of the soldiers. I think this was "Sam."

It is safe to say that the writer of the letter never "picked up much of their language" or "met any of the more intelligent of them." There was no censorship on private letters: he might have written whatever he chose. It is true that the word "nigger" was very often used as applied to the natives, probably correctly. I never used the word myself. The incident of the "water cure" being applied to the "old woman 70 years of age" is in every respect false. I never heard of a case where information was sought from women, by force or otherwise, except where they volunteered it. I never knew or heard of a Lieutenant Congo. No part of the Thirty-eighth was ever at Nabolos or at any other place on Negros. No soldier of the Thirty-eighth was ever arrested for making protest against cruel or any other acts. The strictest orders were given and enforced against looting. I do not believe that either a woman or a child were ever hit by a shot fired by the regiment, except perhaps as an accident of the battlefield. Many men were shot as they fled, but they probably all deserved it. I never heard the term "shooting rabbits" used in the regiment. Raping of natives, had it occurred, would have received the severest punishment possible. I am confident that not a case of it occurred in the regiment. Inasmuch as these charges are unqualifiedly false in every word, I suggest that the writer be proceeded against by law. Witnesses in abundance can be found who were in the Thirty-eighth and who now reside in or near St. Louis.

GEO. S. ANDERSON,
Major, Sixth Cavalry, lately Colonel Thirty-eighth Volunteer Infantry.

No. 13.

A private letter published in the Monroe County (W. Va.) Watchman of September 6, 1901, from Alexander Grant, late private of Company D, Sixth U. S. Infantry, called forth a letter from J. F. Houchins. The letter of the soldier refers to an engagement between his company and the Filipinos at Isabela, Island of Negros, and relates the wanton killing of a number of natives and the burning down of a number of houses, and states that a native woman was burned to death in the conflagration which destroyed her house. The papers were referred to the commanding general, Division of the Philippines, for investigation and report, and were returned with the report of First Lieut. W. F. Nesbit, Sixth U. S. Infantry, which is as follows:

BACOLOD, NEGROS, P. I., *October 24, 1900.*

THE ADJUTANT SIXTH INFANTRY.

SIR: In regard to an article published in the Cincinnati Enquirer of August 12, 1900, containing statements of one Private Grant, formerly of Company D, Sixth Infantry, I have the honor to state that the barrio referred to was the rendezvous of ladrones and insurgents, the proof of which we found only after thorough search, and which were ammunition, spears, bolos, and uniforms.

I have no doubt that a part of the band we chased from Cabug were among those found in the barrio. The men of the barrio were accordingly grouped together and placed under guard, and the place burned. I know of no such occurrence as the burning of a woman, and I believe that statement to be absolutely false and malicious. My men were as much engaged in guarding prisoners and burning as those of Company D, and I never heard from them or from anyone else of any such incident. I saw prisoners trying to escape from the guard by running into the rice fields. No order was given to fire upon them, as it was not necessary, the guard doing its duty at the first attempt to escape.

The statement as to treatment of soldiers here in the Philippines is so ridiculous and malicious that it does nothing but show the animus of the man toward the service and his country.

I know of no soldier being tried for writing home about the treatment of soldiers, and I believe such statement of Grant's to be false. It seems needless to refute any of these apparently malicious machinations of a dissatisfied soldier.

Very respectfully,

W. F. NESBIT,
First Lieutenant, Sixth Infantry, Commanding Company K.

and report of Capt. Omar Bundy, Sixth Infantry, which is as follows:

HEADQUARTERS DEPARTMENT OF THE VISAYAS,
OFFICE OF THE INSPECTOR-GENERAL,
Iloilo, P. I., November 19, 1900.

Respectfully returned to the adjutant-general Department of the Visayas. This article first appeared in the Cincinnati Enquirer of August 12, 1900, and was undoubtedly published for political effect. It is manifestly false in many particulars, and where based upon truth the latter has been perverted to suit the needs of sensational newspapers.

The barrio referred to, consisting of a few nipa huts, had for some time been the rendezvous of ladrones and insurgents. The huts were destroyed, as a necessary military measure, to prevent their further use by lawless natives. The story of the burning of a woman I believe to be entirely false. I never heard any mention of this until this newspaper article appeared, eight months after the huts were burned. No unarmed insurgents were shot in the manner described. The firing that occurred was at men who were running away from the guard that had been placed over them. It was justified by the circumstances as I saw them. I inclose herewith a copy of a report of First Lieut. W. F. Nesbit, Sixth Infantry, bearing on this subject. He was with me at the time, in command of K Company, Sixth Infantry.

OMAR BUNDY,
Captain, Sixth Infantry.

In returning the report of this second officer to the headquarters Division of the Philippines, Brig. Gen. R. P. Hughes, U. S. Volunteers, commanding the Department of the Visayas, remarks as follows:

HEADQUARTERS DEPARTMENT OF THE VISAYAS,
Iloilo, P. I., November 20, 1900.

Respectfully returned.

I have never heard of such an incident as this clipping relates. The statements of the two officers who were present at the time are returned herewith. They are both men of cultivation and refinement, and the outrages stated by Grant could not possibly be caused or countenanced by either of them.

R. P. HUGHES,
Brigadier-General, U. S. Volunteers, Commanding.

EXHIBIT D.

GENERAL ORDERS, }
No. 100. }

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 24, 1863.

The following "Instructions for the government of armies of the United States in the field," prepared by Francis Lieber, LL. D., and revised by a board of officers, of which Maj. Gen. E. A. Hitchcock is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD.

SECTION I.—*Martial law—Military jurisdiction—Military necessity—Retaliation.*

1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the martial law of the invading or occupying army, whether any proclamation declaring martial law, or any public warning to the inhabitants, has been issued or not. Martial law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its martial law.

2. Martial law does not cease during the hostile occupation, except by special proclamation, ordered by the commander in chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

3. Martial law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue, either wholly or in part, as in times of peace, unless otherwise ordered by the military authority.

4. Martial law is simply military authority exercised in accordance with the laws and usages of war. Military oppression is not martial law; it is the abuse of the power which that law confers. As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

5. Martial law should be less stringent in places and countries fully occupied and fairly conquered. Much greater severity may be exercised in places or regions where actual hostilities exist, or are expected and must be prepared for. Its most complete sway is allowed—even in the commander's own country—when face to face with the enemy, because of the absolute necessities of the case, and of the paramount duty to defend the country against invasion.

To save the country is paramount to all other considerations.

6. All civil and penal law shall continue to take its usual course in the enemy's places and territories under martial law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government—legislative, executive, or administrative—whether of a general, provincial, or local character, cease under martial law or continue only with the sanction or, if deemed necessary, the participation of the occupier or invader.

7. Martial law extends to property and to persons, whether they are subjects of the enemy or aliens to that government.

8. Consuls, among American and European nations, are not diplomatic agents. Nevertheless, their offices and persons will be subjected to martial law, in cases of urgent necessity only; their property and business are not exempted. Any delinquency they commit against the established military rule may be punished as in the case of any other inhabitant, and such punishment furnishes no reasonable ground for international complaint.

9. The functions of ambassadors, ministers, or other diplomatic agents, accredited by neutral powers to the hostile Government, cease, so far as regards the displaced Government; but the conquering or occupying power usually recognizes them as temporarily accredited to itself.

10. Martial law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader, and refers mainly to the support and efficiency of the army, its safety, and the safety of its operations.

11. The law of war does not only disclaim all cruelty and bad faith concerning engagements concluded with the enemy during the war, but also the breaking of stipulations solemnly contracted by the belligerents in time of peace, and avowedly intended to remain in force in case of war between the contracting powers.

It disclaims all extortions and other transactions for individual gain; all acts of private revenge, or connivance at such acts.

Offenses to the contrary shall be severely punished, and especially so if committed by officers.

12. Whenever feasible, martial law is carried out in cases of individual offenders by military courts; but sentences of death shall be executed only with the approval of the Chief Executive, provided the urgency of the case does not require a speedier execution, and then only with the approval of the chief commander.

13. Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.

In the armies of the United States the first is exercised by courts-martial, while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by statute on courts-martial, are tried by military commissions.

14. Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war.

15. Military necessity admits of all direct destruction of life or limb of *armed* enemies, and of other persons whose destruction is incidentally *unavoidable* in the armed contests of the war; it allows of the capturing of every armed enemy, and every enemy of importance to the hostile government, or of peculiar danger to the captor; it allows of all destruction of property, and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith either positively pledged, regarding agreements entered into during the war, or supposed by the modern law of war to exist. Men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another and to God.

16. Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. It does not admit of the use of poison in any way, nor of the wanton devastation of a district. It admits of deception, but disclaims acts of perfidy; and, in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult.

17. War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

18. When a commander of a besieged place expels the noncombatants, in order to

lessen the number of those who consume his stock of provisions, it is lawful, though an extreme measure, to drive them back, so as to hasten on the surrender.

19. Commanders, whenever admissible, inform the enemy of their intention to bombard a place, so that the noncombatants, and especially the women and children, may be removed before the bombardment commences. But it is no infraction of the common law of war to omit thus to inform the enemy. Surprise may be a necessity.

20. Public war is a state of armed hostility between sovereign nations or governments. It is a law and requisite of civilized existence that men live in political, continuous societies, forming organized units, called states or nations, whose constituents bear, enjoy, and suffer, advance and retrograde together, in peace and in war.

21. The citizen or native of a hostile country is thus an enemy, as one of the constituents of the hostile state or nation, and as such is subjected to the hardships of the war.

22. Nevertheless, as civilization has advanced during the last centuries, so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country and the hostile country itself, with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit.

23. Private citizens are no longer murdered, enslaved, or carried off to distant parts, and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war.

24. The almost universal rule in remote times was, and continues to be with barbarous armies, that the private individual of the hostile country is destined to suffer every privation of liberty and protection, and every disruption of family ties. Protection was, and still is with uncivilized people, the exception.

25. In modern regular wars of the Europeans, and their descendants in other portions of the globe, protection of the inoffensive citizen of the hostile country is the rule; privation and disturbance of private relations are the exceptions.

26. Commanding generals may cause the magistrates and civil officers of the hostile country to take the oath of temporary allegiance or an oath of fidelity to their own victorious government or rulers, and they may expel every one who declines to do so. But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or country, at the peril of their lives.

27. The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage.

28. Retaliation will, therefore, never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and, moreover, cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence, and the character of the misdeeds that may demand retribution.

Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

29. Modern times are distinguished from earlier ages by the existence at one and the same time of many nations and great governments related to one another in close intercourse.

Peace is their normal condition; war is the exception. The ultimate object of all modern war is a renewed state of peace.

The more vigorously wars are pursued the better it is for humanity. Sharp wars are brief.

30. Ever since the formation and coexistence of modern nations, and ever since wars have become great national wars, war has come to be acknowledged not to be its own end, but the means to obtain great ends of state, or to consist in defense against wrong; and no conventional restriction of the modes adopted to injure the enemy is any longer admitted; but the law of war imposes many limitations and restrictions on principles of justice, faith, and honor.

SECTION II.—Public and private property of the enemy—Protection of persons, and especially of women; of religion, the arts, and sciences—Punishment of crimes against the inhabitants of hostile countries.

31. A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit

or that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation and until the conquest is made complete.

32. A victorious army, by the martial power inherent in the same, may suspend, change, or abolish, as far as the martial power extends, the relations which arise from the services due, according to the existing laws of the invaded country, from one citizen, subject, or native of the same to another.

The commander of the army must leave it to the ultimate treaty of peace to settle the permanency of this change.

33. It is no longer considered lawful—on the contrary, it is held to be a serious breach of the law of war—to force the subjects of the enemy into the service of the victorious government, except the latter should proclaim, after a fair and complete conquest of the hostile country or district, that it is resolved to keep the country, district, or place permanently as its own and make it a portion of its own country.

34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts, or of a scientific character—such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it.

35. Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.

36. If such works of art, libraries, collections, or instruments belonging to a hostile nation or government can be removed without injury, the ruler of the conquering State or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace.

In no case shall they be sold or given away, if captured by the armies of the United States, nor shall they ever be privately appropriated or wantonly destroyed or injured.

37. The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women, and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished.

This rule does not interfere with the right of the victorious invader to tax the people or their property, to levy forced loans, to billet soldiers, or to appropriate property, especially houses, lands, boats or ships, and churches, for temporary and military uses.

38. Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity, for the support or other benefit of the army or of the United States.

If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

39. The salaries of civil officers of the hostile government who remain in the invaded territory and continue the work of their office, and can continue it according to the circumstances arising out of the war—such as judges, administrative or police officers, officers of city or communal government—are paid from the public revenue of the invaded territory until the military government has reason wholly or partially to discontinue it. Salaries or incomes connected with purely honorary titles are always stopped.

40. There exists no law or body of authoritative rules of action between hostile armies, except that branch of the law of nature and nations which is called the law and usages of war on land.

41. All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field.

42. Slavery, complicating and confounding the ideas of property (that is of a *thing*), and of personality (that is of *humanity*), exists according to municipal or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that “so far as the law of nature is concerned all men are equal.” Fugitives escaping from a country in which they were slaves, villains, or serfs into another country, have for centuries past been held free and acknowledged free by judicial decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

43. Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as

a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of postliminy, no belligerent lien or claim of service.

44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.

A soldier, officer, or private in the act of committing such violence and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.

45. All captures and booty belong, according to the modern law of war, primarily to the government of the captor.

Prize money, whether on sea or land, can now only be claimed under local law.

46. Neither officers nor soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate. Offenses to the contrary committed by commissioned officers will be punished with cashiering or such other punishment as the nature of the offense may require; if by soldiers, they shall be punished according to the nature of the offense.

47. Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, but in all cases in which death is not inflicted, the severer punishment shall be preferred.

SECTION III.—*Deserters—Prisoners of War—Hostages—Booty on the battlefield.*

48. Deserters from the American Army, having entered the service of the enemy, suffer death if they fall again into the hands of the United States, whether by capture, or being delivered up to the American Army; and if a deserter from the enemy, having taken service in the Army of the United States, is captured by the enemy, and punished by them with death or otherwise, it is not a breach against the law and usages of war, requiring redress or retaliation.

49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.

All soldiers, of whatever species of arms; all men who belong to the rising *en masse* of the hostile country; all those who are attached to the army for its efficiency and promote directly the object of the war, except such as hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

50. Moreover, citizens who accompany an army for whatever purpose, such as sutlers, editors, or reporters of journals, or contractors, if captured, may be made prisoners of war, and be detained as such.

The monarch and members of the hostile reigning family, male or female, the chief, and chief officers of the hostile government, its diplomatic agents, and all persons who are of particular and singular use and benefit to the hostile army or its government, are, if captured on belligerent ground, and if unprovided with a safe conduct granted by the captor's government, prisoners of war.

51. If the people of that portion of an invaded country which is not yet occupied by the enemy, or of the whole country, at the approach of a hostile army, rise, under a duly authorized levy, *en masse* to resist the invader, they are now treated as public enemies, and, if captured, are prisoners of war.

52. No belligerent has the right to declare that he will treat every captured man in arms of a levy *en masse* as a brigand or bandit.

If, however, the people of a country, or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war, and are not entitled to their protection.

53. The enemy's chaplains, officers of the medical staff, apothecaries, hospital nurses and servants, if they fall into the hands of the American Army, are not prisoners of war, unless the commander has reasons to retain them. In this latter

case, or if, at their own desire, they are allowed to remain with their captured companions, they are treated as prisoners of war, and may be exchanged if the commander sees fit.

54. A hostage is a person accepted as a pledge for the fulfillment of an agreement concluded between belligerents during the war, or in consequence of a war. Hostages are rare in the present age.

55. If a hostage is accepted, he is treated like a prisoner of war, according to rank and condition, as circumstances may admit.

56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

57. So soon as a man is armed by a sovereign government and takes the soldier's oath of fidelity, he is a belligerent; his killing, wounding, or other warlike acts are not individual crimes or offenses. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

58. The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their Army, it would be a case for the severest retaliation, if not redressed upon complaint.

The United States can not retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

59. A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

All prisoners of war are liable to the infliction of retaliatory measures.

60. It is against the usage of modern war to resolve, in hatred and revenge, to give no quarter. No body of troops has the right to declare that it will not give, and therefore will not expect, quarter; but a commander is permitted to direct his troops to give no quarter in great straits, when his own salvation makes it *impossible* to cumber himself with prisoners.

61. Troops that give no quarter have no right to kill enemies already disabled on the ground, or prisoners captured by other troops.

62. All troops of the enemy known or discovered to give no quarter in general, or to any portion of the army, receive none.

63. Troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter.

64. If American troops capture a train containing uniforms of the enemy, and the commander considers it advisable to distribute them for use among his men, some striking mark or sign must be adopted to distinguish the American soldier from the enemy.

65. The use of the enemy's national standard, flag, or other emblem of nationality, for the purpose of deceiving the enemy in battle, is an act of perfidy by which they lose all claim to the protection of the laws of war.

66. Quarter having been given to an enemy by American troops, under a misapprehension of his true character, he may, nevertheless, be ordered to suffer death if, within three days after the battle, it be discovered that he belongs to a corps which gives no quarter.

67. The law of nations allows every sovereign government to make war upon another sovereign State, and therefore admits of no rules or laws different from those of regular warfare regarding the treatment of prisoners of war, although they may belong to the army of a government which the captor may consider as a wanton and unjust assailant.

68. Modern wars are not internecine wars, in which the killing of the enemy is the object. The destruction of the enemy in modern war, and, indeed, modern war itself, are means to obtain that object of the belligerent which lies beyond the war.

Unnecessary or revengeful destruction of life is not lawful.

69. Outposts, sentinels, or pickets are not to be fired upon, except to drive them in, or when a positive order, special or general, has been issued to that effect.

70. The use of poison in any manner, be it to poison wells, or food, or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the Army of the United States, or is an enemy captured after having committed his misdeed.

72. Money and other valuables on the person of a prisoner, such as watches or

jewelry, as well as extra clothing, are regarded by the American Army as the private property of the prisoner, and the appropriation of such valuables or money is considered dishonorable, and is prohibited.

Nevertheless, if *large* sums are found upon the persons of prisoners or in their possession, they shall be taken from them, and the surplus, after providing for their own support, appropriated for the use of the army, under the direction of the commander, unless otherwise ordered by the government. Nor can prisoners claim as private property large sums found and captured in their trains, although they have been placed in the private luggage of the prisoners.

73. All officers, when captured, must surrender their side arms to the captor. They may be restored to the prisoner in marked cases, by the commander, to signalize admiration of his distinguished bravery or approbation of his humane treatment of prisoners before his capture. The captured officer to whom they may be restored can not wear them during captivity.

74. A prisoner of war, being a public enemy, is the prisoner of the government and not of the captor. No ransom can be paid by a prisoner of war to his individual captor or to any officer in command. The government alone releases captives, according to rules prescribed by itself.

75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

76. Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity.

They may be required to work for the benefit of the captor's government, according to their rank and condition.

77. A prisoner of war who escapes may be shot or otherwise killed in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of war does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape.

If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously punished, even with death; and capital punishment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the captors, whether in union with fellow-prisoners or other persons.

78. If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

79. Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer the use of any violence against prisoners in order to extort the desired information or to punish them for having given false information.

SECTION IV.—*Partisans—Armed enemies not belonging to the hostile army—Scouts—Armed prowlers—War rebels.*

81. Partisans are soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy. If captured, they are entitled to all the privileges of the prisoner of war.

82. Men, or squads of men, who commit hostilities, whether by fighting, or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with intermittent returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers—such men, or squads of men, are not public enemies, and, therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

83. Scouts, or single soldiers, if disguised in the dress of the country or in the uniform of the army hostile to their own, employed in obtaining information, if found within or lurking about the lines of the captor, are treated as spies, and suffer death.

84. Armed prowlers, by whatever names they may be called, or persons of the enemy's territory, who steal within the lines of the hostile army for the purpose of

robbing, killing, or of destroying bridges, roads, or canals, or of robbing or destroying the mail, or of cutting the telegraph wires, are not entitled to the privileges of the prisoner of war.

85. War rebels are persons within an occupied territory who rise in arms against the occupying or conquering army, or against the authorities established by the same. If captured, they may suffer death, whether they rise singly, in small or large bands, and whether called upon to do so by their own, but expelled, government or not. They are not prisoners of war; nor are they if discovered and secured before their conspiracy has matured to an actual rising or armed violence. •

SECTION V.—*Safe-conduct—Spies—War traitors—Captured messengers—Abuse of the flag of truce.*

86. All intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases. This is the general rule, to be observed without special proclamation.

Exceptions to this rule, whether by safe-conduct or permission to trade on a small or large scale, or by exchanging mails, or by travel from one territory into the other, can take place only according to agreement approved by the government, or by the highest military authority.

Contraventions of this rule are highly punishable.

87. Ambassadors and all other diplomatic agents of neutral powers accredited to the enemy may receive safe-conducts through the territories occupied by the belligerents, unless there are military reasons to the contrary, and unless they may reach the place of their destination conveniently by another route. It implies no international affront if the safe-conduct is declined. Such passes are usually given by the supreme authority of the State, and not by subordinate officers.

88. A spy is a person who secretly, in disguise or under false pretense, seeks information with the intention of communicating it to the enemy.

The spy is punishable with death by hanging by the neck, whether or not he succeeded in obtaining the information or in conveying it to the enemy.

89. If a citizen of the United States obtains information in a legitimate manner and betrays it to the enemy, be he a military or civil officer or a private citizen, he shall suffer death.

90. A traitor under the law of war, or a war traitor, is a person in a place or district under martial law who, unauthorized by the military commander, gives information of any kind to the enemy or holds intercourse with him.

91. The war traitor is always severely punished. If his offense consists in betraying to the enemy anything concerning the condition, safety, operations, or plans of the troops holding or occupying the place or district, his punishment is death.

92. If the citizen or subject of a country or place invaded or conquered gives information to his own government, from which he is separated by the hostile army, or to the army of his government, he is a war traitor, and death is the penalty of his offense.

93. All armies in the field stand in need of guides, and impress them if they can not obtain them otherwise.

94. No person having been forced by the enemy to serve as guide is punishable for having done so.

95. If a citizen of a hostile and invaded district voluntarily serves as a guide to the enemy, or offers to do so, he is deemed a war traitor, and shall suffer death.

96. A citizen serving voluntarily as a guide against his own country commits treason, and will be dealt with according to the law of his country.

97. Guides, when it is clearly proved that they have misled intentionally, may be put to death.

98. All unauthorized or secret communication with the enemy is considered treasonable by the law of war.

Foreign residents in an invaded or occupied territory, or foreign visitors in the same, can claim no immunity from this law. They may communicate with foreign parts, or with the inhabitants of the hostile country, so far as the military authority permits, but no further. Instant expulsion from the occupied territory would be the very least punishment for the infraction of this rule.

99. A messenger carrying written dispatches or verbal messages from one portion of the army, or from a besieged place, to another portion of the same army, or its government, if armed and in the uniform of his army, and if captured, while doing so, in the territory occupied by the enemy, is treated by the captor as a prisoner of war. If not in uniform, nor a soldier, the circumstances connected with his capture must determine the disposition that shall be made of him.

100. A messenger or agent who attempts to steal through the territory occupied by

the enemy to further, in any manner, the interests of the enemy, if captured, is not entitled to the privileges of the prisoner of war, and may be dealt with according to the circumstances of the case.

101. While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous and it is so difficult to guard against them.

102. The law of war, like the criminal law regarding other offenses, makes no difference on account of the difference of sexes, concerning the spy, the war traitor, or the war rebel.

103. Spies, war traitors, and war rebels are not exchanged according to the common law of war. The exchange of such persons would require a special cartel, authorized by the government, or, at a great distance from it, by the chief commander of the army in the field.

104. A successful spy or war traitor, safely returned to his own army, and afterwards captured as an enemy, is not subject to punishment for his acts as a spy or war traitor, but he may be held in closer custody as a person individually dangerous.

SECTION VI.—*Exchange of prisoners—Flags of truce—Flags of protection.*

105. Exchanges of prisoners take place—number for number—rank for rank—wounded for wounded—with added condition for added condition—such, for instance, as not to serve for a certain period.

106. In exchanging prisoners of war, such numbers of persons of inferior rank may be substituted as an equivalent for one of superior rank as may be agreed upon by cartel, which requires the sanction of the government or of the commander of the army in the field.

107. A prisoner of war is in honor bound truly to state to the captor his rank, and he is not to assume a lower rank than belongs to him in order to cause a more advantageous exchange, nor a higher rank for the purpose of obtaining better treatment.

Offenses to the contrary have been justly punished by the commanders of released prisoners, and may be good cause for refusing to release such prisoners.

108. The surplus number of prisoners of war remaining after an exchange has taken place is sometimes released either for the payment of a stipulated sum of money, or, in urgent cases, of provision, clothing, or other necessities.

Such arrangement, however, requires the sanction of the highest authority.

109. The exchange of prisoners of war is an act of convenience to both belligerents. If no general cartel has been concluded, it can not be demanded by either of them. No belligerent is obliged to exchange prisoners of war.

A cartel is voidable as soon as either party has violated it.

110. No exchange of prisoners shall be made except after complete capture, and after an accurate account of them and a list of the captured officers has been taken.

111. The bearer of a flag of truce can not insist upon being admitted. He must always be admitted with great caution. Unnecessary frequency is carefully to be avoided.

112. If the bearer of a flag of truce offer himself during an engagement, he can be admitted as a very rare exception only. It is no breach of good faith to retain such flag of truce, if admitted during the engagement. Firing is not required to cease on the appearance of a flag of truce in battle.

113. If the bearer of a flag of truce, presenting himself during an engagement, is killed or wounded, it furnishes no ground of complaint whatever.

If it be discovered and fairly proved that a flag of truce has been abused for surreptitiously obtaining military knowledge, the bearer of the flag thus abusing his sacred character is deemed a spy.

So sacred is the character of a flag of truce, and so necessary is its sacredness, that while its abuse is an especially heinous offense, great caution is requisite, on the other hand, in convicting the bearer of a flag of truce as a spy.

115. It is customary to designate by certain flags (usually yellow) the hospitals in places which are shelled, so that the besieging enemy may avoid firing on them. The same has been done in battles, when hospitals are situated within the field of the engagement.

116. Honorable belligerents often request that the hospitals within the territory of the enemy may be designated, so that they may be spared.

An honorable belligerent allows himself to be guided by flags or signals of protection as much as the contingencies and the necessities of the fight will permit.

117. It is justly considered an act of bad faith, of infamy or fiendishness, to deceive

the enemy by flags of protection. Such act of bad faith may be good cause for refusing to respect such flags.

118. The besieging belligerent has sometimes requested the besieged to designate the buildings containing collections of works of art, scientific museums, astronomical observatories, or precious libraries, so that their destruction may be avoided as much as possible.

SECTION VII.—*The Parole.*

119. Prisoners of war may be released from captivity by exchange and, under some circumstances, also by parole.

120. The term parole designates the pledge of individual good faith and honor to do, or to omit doing, certain acts after he who gives his parole shall have been dismissed, wholly or partially, from the power of the captor.

121. The pledge of the parole is always an individual, but not a private act.

122. The parole applies chiefly to prisoners of war whom the captor allows to return to their country, or to live in greater freedom within the captor's country or territory, on conditions stated in the parole.

123. Release of prisoners of war by exchange is the general rule; release by parole is the exception.

124. Breaking the parole is punished with death when the person breaking the parole is captured again.

Accurate lists, therefore, of the paroled persons must be kept by the belligerents.

125. When paroles are given and received, there must be an exchange of two written documents, in which the name and rank of the paroled individuals are accurately and truthfully stated.

126. Commissioned officers only are allowed to give their parole, and they can give it only with the permission of their superior, as long as a superior in rank is within reach.

127. No noncommissioned officer or private can give his parole except through an officer. Individual paroles not given through an officer are not only void, but subject the individuals giving them to the punishment of death as deserters. The only admissible exception is where individuals, properly separated from their commands, have suffered long confinement without the possibility of being paroled through an officer.

128. No paroling on the battlefield; no paroling of entire bodies of troops after a battle; and no dismissal of large numbers of prisoners, with a general declaration that they are paroled, is permitted, or of any value.

129. In capitulations for the surrender of strong places or fortified camps the commanding officer, in cases of urgent necessity, may agree that the troops under his command shall not fight again during the war, unless exchanged.

130. The usual pledge given in the parole is not to serve during the existing war, unless exchanged.

This pledge refers only to the active service in the field, against the paroling belligerent or his allies actively engaged in the same war. These cases of breaking the parole are patent acts, and can be visited with the punishment of death; but the pledge does not refer to internal service, such as recruiting or drilling the recruits, fortifying places not besieged, quelling civil commotions, fighting against belligerents unconnected with the paroling belligerents, or to civil or diplomatic service for which the paroled officer may be employed.

131. If the government does not approve of the parole, the paroled officer must return into captivity, and should the enemy refuse to receive him he is free of his parole.

132. A belligerent government may declare, by a general order, whether it will allow paroling, and on what conditions it will allow it. Such order is communicated to the enemy.

133. No prisoner of war can be forced by the hostile government to parole himself, and no government is obliged to parole prisoners of war, or to parole all captured officers if it paroles any. As the pledging of the parole is an individual act, so is paroling, on the other hand, an act of choice on the part of the belligerent.

134. The commander of an occupying army may require of the civil officers of the enemy, and of its citizens, any pledge he may consider necessary for the safety or security of his army, and upon their failure to give it he may arrest, confine, or detain them.

SECTION VIII.—*Armistice—Capitulation.*

135. An armistice is the cessation of active hostilities for a period agreed between belligerents. It must be agreed upon in writing and duly ratified by the highest authorities of the contending parties.

136. If an armistice be declared, without conditions, it extends no further than to require a total cessation of hostilities along the front of both belligerents.

If conditions be agreed upon they should be clearly expressed, and must be rigidly adhered to by both parties. If either party violates any express condition, the armistice may be declared null and void by the other.

137. An armistice may be general, and valid for all points and lines of the belligerents, or special—that is, referring to certain troops or certain localities only.

An armistice may be concluded for a definite time or for an indefinite time, during which either belligerent may resume hostilities on giving the notice agreed upon to the other.

138. The motives which induce the one or the other belligerent to conclude an armistice, whether it be expected to be preliminary to a treaty of peace or to prepare during the armistice for a more vigorous prosecution of the war, does in no way affect the character of the armistice itself.

139. An armistice is binding upon the belligerents from the day of the agreed commencement; but the officers of the armies are responsible from the day only when they receive official information of its existence.

140. Commanding officers have the right to conclude armistices binding on the district over which their command extends, but such armistice is subject to the ratification of the superior authority, and ceases so soon as it is made known to the enemy that the armistice is not ratified, even if a certain time for the elapsing between giving notice of cessation and the resumption of hostilities should have been stipulated for.

141. It is incumbent upon the contracting parties of an armistice to stipulate what intercourse of persons or traffic between the inhabitants of the territories occupied by the hostile armies shall be allowed, if any.

If nothing is stipulated the intercourse remains suspended, as during actual hostilities.

142. An armistice is not a partial or a temporary peace; it is only the suspension of military operations to the extent agreed upon by the parties.

143. When an armistice is concluded between a fortified place and the army besieging it, it is agreed by all the authorities on this subject that the besieger must cease all extension, perfection, or advance of his attacking works as much so as from attacks by main force.

But as there is a difference of opinion among martial jurists, whether the besieged have the right to repair breaches or to erect new works of defense within the place during an armistice, this point should be determined by express agreement between the parties.

144. So soon as a capitulation is signed, the capitulator has no right to demolish, destroy, or injure the works, arms, stores, or ammunition, in his possession, during the time which elapses between the signing and the execution of the capitulation, unless otherwise stipulated in the same.

145. When an armistice is clearly broken by one of the parties, the other party is released from all obligation to observe it.

146. Prisoners taken in the act of breaking an armistice must be treated as prisoners of war, the officer alone being responsible who gives the order for such a violation of an armistice. The highest authority of the belligerent aggrieved may demand redress for the infraction of an armistice.

147. Belligerents sometimes conclude an armistice while their plenipotentiaries are met to discuss the conditions of a treaty of peace; but plenipotentiaries may meet without a preliminary armistice; in the latter case, the war is carried on without any abatement.

SECTION IX.—*Assassination.*

148. The law of war does not allow proclaiming either an individual belonging to the hostile army, or a citizen, or a subject of the hostile government, an outlaw, who may be slain without trial by any captor, any more than the modern law of peace allows such intentional outlawry; on the contrary, it abhors such outrage. The sternest retaliation should follow the murder committed in consequence of such proclamation, made by whatever authority; civilized nations look with horror upon offers of rewards for the assassination of enemies as relapses into barbarism.

SECTION X.—*Insurrection—Civil War—Rebellion.*

149. Insurrection is the rising of people in arms against their government, or a portion of it, or against one or more of its laws, or against an officer or officers of the government. It may be confined to mere armed resistance, or it may have greater ends in view.

150. Civil war is war between two or more portions of a country or state, each contending for the mastery of the whole, and each claiming to be the legitimate government. The term is also sometimes applied to war of rebellion, when the rebellious provinces or portions of the state are contiguous to those containing the seat of government.

151. The term rebellion is applied to an insurrection of large extent, and is usually a war between the legitimate government of a country and portions of provinces of the same who seek to throw off their allegiance to it and set up a government of their own.

152. When humanity induces the adoption of the rules of regular war toward rebels, whether the adoption is partial or entire, it does in no way whatever imply a partial or complete acknowledgment of their government, if they have set up one, or of them, as an independent and sovereign power. Neutrals have no right to make the adoption of the rules of war by the assailed government toward rebels the ground of their own acknowledgment of the revolted people as an independent power.

153. Treating captured rebels as prisoners of war, exchanging them, concluding of cartels, capitulations, or other warlike agreements with them; addressing officers of a rebel army by the rank they may have in the same; accepting flags of truce; or, on the other hand, proclaiming martial law in their territory, or levying war taxes or forced loans, or doing any other act sanctioned or demanded by the law and usages of public war between sovereign belligerents, neither proves nor establishes an acknowledgment of the rebellious people, or of the government which they may have erected, as a public or sovereign power. Nor does the adoption of the rules of war toward rebels imply an engagement with them extending beyond the limits of these rules. It is victory in the field that ends the strife and settles the future relations between the contending parties.

154. Treating, in the field, the rebellious enemy according to the law and usages of war has never prevented the legitimate government from trying the leaders of the rebellion or chief rebels for high treason, and from treating them accordingly, unless they are included in a general amnesty.

155. All enemies in regular war are divided into two general classes—that is to say, into combatants and noncombatants, or unarmed citizens of the hostile government.

The military commander of the legitimate government, in a war of rebellion, distinguishes between the loyal citizen in the revolted portion of the country and the disloyal citizen. The disloyal citizens may further be classified into those citizens known to sympathize with the rebellion without positively aiding it, and those who, without taking up arms, give positive aid and comfort to the rebellious enemy without being bodily forced thereto.

156. Common justice and plain expediency require that the military commander protect the manifestly loyal citizens, in revolted territories, against the hardships of the war as much as the common misfortune of all war admits.

The commander will throw the burden of the war, as much as lies within his power, on the disloyal citizens of the revolted portion or province, subjecting them to a stricter police than the noncombatant enemies have to suffer in regular war; and if he deems it appropriate, or if his government demands of him that every citizen shall, by an oath of allegiance, or by some other manifest act, declare his fidelity to the legitimate government, he may expel, transfer, imprison, or fine the revolted citizens who refuse to pledge themselves anew as citizens obedient to the law and loyal to the government.

Whether it is expedient to do so, and whether reliance can be placed upon such oaths, the commander or his government have the right to decide.

157. Armed or unarmed resistance by citizens of the United States against the lawful movements of their troops is levying war against the United States, and is therefore treason.

EXHIBIT E.

GENERAL ORDERS, }
No. 4. }

HEADQUARTERS FIRST BRIGADE,
U. S. EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 5, 1898.

1. The attention of all officers of this command is especially invited to paragraphs 68 to 78, inclusive, "Troops in campaign."

These provisions relate to pillaging, looting, and *general misconduct in time of war*. They relate to public as well as to private property. The desecration of churches is particularly offensive and will be vigorously punished. Unlawful appropriation is

theft in war as well as peace, and the oppression of noncombatants is cowardly and mean. Such conduct changes friends to enemies. Its worse feature is that it demoralizes any command in which it prevails. Such misconduct on the part of our soldiers is particularly odious, for every soldier in his degree is responsible for his country's honor. The merit of these regulations is not in their promulgation, but enforcement.

2. This order and the paragraphs cited will be read and explained by commanding officers of regiments and separate commands to their officers; and each company commander and squad leader will read and explain the order and paragraphs to their respective commands daily for one week after receipt.

By command of Brigadier-General Anderson:

[SEAL.]

HENRY P. MCCAIN,
First Lieutenant and Adjutant Fourteenth Infantry,
Acting Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
February 5, 1902.

Troops in campaign.

ARTICLE VI.

* * * * *

68. When the needs of the Army absolutely require it, and in other cases, under special instructions from the War Department, the General Commanding the Army may make requisitions, in money or kind, on the enemy's country occupied by the troops. No other officer can levy contributions or make requisitions, except under special authority from the War Department.

69. All property, public or private, lawfully taken from the enemy, or from the inhabitants of an enemy's country, by the forces of the United States instantly becomes the public property of the United States, and must be accounted for as such. Property captured, or taken by way of requisition, belongs to the United States, and can not, under any circumstances, be appropriated to individual benefit.

70. Officers will be held strictly responsible that all property taken from alleged enemies by them, or with their authority, is inventoried and duly accounted for. If the property taken can be claimed as private, receipts must be given to the claimants or their agents, and it must be accounted for in the same manner as public property.

71. When a foraging party is sent out for provisions or other stores, the commanding officer will be held accountable for the conduct of his command, and that a true report is made of all property taken.

72. No officer or soldier shall, without authority, leave his colors or ranks to pillage, or enter a private house for that purpose. All such acts are punishable with death, and any officer who shall permit them will be held equally guilty with the actual pillager.

73. It is forbidden to purchase horses without ascertaining the right of the party to sell. Stolen horses shall be restored. Estrays in the enemy's country, when the owners are not discovered, will be taken for the Army.

74. Neither officers nor soldiers are allowed to make use of their positions or power in the enemy's country for private gain, even for commercial transactions otherwise legitimate. Offenses to the contrary committed by commissioned officers will be punished with cashiering, or such other punishments as the nature of the offense may require; if by soldiers, they shall be punished according to the nature of the offense.

75. All wanton violence committed against persons in the invaded country may be punished with the death of the offender, or such other punishment may be inflicted as may be deemed adequate to the gravity of the offense. Any officer or enlisted man committing such violence and disobeying a superior ordering him to abstain therefrom may be lawfully killed on the spot by such superior.

GENERAL ORDERS, } HDQRS. DEPT. OF THE PACIFIC AND EIGHTH ARMY CORPS,
No. 3. } Manila Bay, P. I., August 9, 1898.

In view of the extraordinary conditions under which this army is operating, the commanding general desires to acquaint the officers and men composing it with the expectations which he entertains as to their conduct. You are assembled upon foreign soil, situated within the western confines of a vast ocean separating you from your native land. You have come not as despoilers and oppressors, but simply as the

instruments of a strong, free Government, *whose purposes are beneficent*, and which has declared itself in this war the champion of those oppressed by Spanish misrule.

It is therefore the intentions of this order to appeal directly to your pride in your position as representatives of a high civilization in the hope and with the firm conviction that you will *so conduct yourselves* in your relations with the inhabitants of these islands as to convince them of the lofty nature of the mission which you have come to execute.

It is not believed that *any acts of pillage, rapine, or violence* will be committed by soldiers or others in the employ of the United States; but should there be persons with this command who prove themselves unworthy of this confidence *their acts will be considered not only as crimes against the sufferers*, but as direct insult to the United States flag, and they *will be punished on the spot with the maximum* penalties known to military law.

By command of Major-General Merritt:

J. B. BABCOCK, *Adjutant-General.*

GENERAL ORDERS, } HEADQUARTERS FIRST DIVISION, EIGHTH ARMY CORPS,
No. 7. } *Cavite Arsenal, P. I., September 5, 1898.*

1. The attention of all officers of this command is especially invited to paragraphs 68 to 78, inclusive, "Troops in campaign."

These provisions relate to pillaging, looting, and general misconduct in time of war. They relate to public as well as to private property. The desecration of churches is particularly offensive and will be vigorously punished.

Unlawful appropriation is theft in war as well as peace, and the oppression of non-combatants is cowardly and mean.

Such conduct changes friends to enemies. Its worst feature is that it demoralizes any command in which it prevails.

Such misconduct on the part of our soldiers is particularly odious, for every soldier in his degree is responsible for his country's honor.

The merit of these regulations is not in their promulgation, but in their enforcement.

2. This order and the paragraphs cited will be read and explained by commanding officers of regiments and separate commands to their officers, and each company commander and squad leader will read and explain the order and paragraphs to their respective commands daily for one week after receipt.

By command of Brigadier-General Anderson:

ELMER W. CLARK,
Second Lieutenant, Fourteenth Infantry, Acting Assistant Adjutant-General.

[Circular No. 1.]

HEADQUARTERS FIRST DIVISION, EIGHTH ARMY CORPS,
Manila, P. I., January 31, 1899.

The following copy of a wrapper indorsement from Headquarters Department of the Pacific and Eighth Army Corps, inclosing a number of accounts due merchants of Manila by certain enlisted men of the division, is published for compliance therewith:

HDQRS. DEPT. OF THE PACIFIC AND EIGHTH ARMY CORPS,
Manila, P. I., January 28, 1899.

Respectfully referred to the commanding general First Division, Eighth Army Corps, for investigation, action, and report.

By taking advantage of the ignorance and trust of numerous native tradesmen of Manila, many enlisted men of this command have seriously injured the reputation of the citizens of the United States for honesty. These unscrupulous men, instead of insuring the rights and property of a defenseless people under their protection, have resorted to a despicable species of robbery more dangerous than looting, because less open. This should be corrected. Company commanders will be instructed to see to it that just bills due native tradesmen by men of their commands are paid, collecting at the pay table, if necessary, the sums owed.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

By command of Major-General Anderson:

HENRY C. CABELL,
Assistant Adjutant-General, U. S. Volunteers.

ADJUTANT-GENERAL'S OFFICE,
February 5, 1902.

GENERAL ORDERS, } HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
No. 3. } Manila, P. I., February 7, 1899.

The burning of the houses or other property of the natives or other inhabitants of this island is prohibited, unless the same be used as shelter for the enemy or as places of concealment of contraband of war. The seizing of horses, carriages, carromatos, or wagons of any description by the troops or others belonging to this command is not authorized, except under great emergency, when receipts will be given therefor.

The lives and property of the inhabitants, native and foreign, will be protected, and they will be permitted to pursue their ordinary vocations without molestation. By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

GENERAL ORDERS, } HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
No. 15. } Manila, P. I., March 19, 1899.

I. In view of the prevalence of the disease of glanders and its apparent increase among the horses in this city, it is ordered that all horses in Government service and those belonging to citizens of Manila which show symptoms of the disease be sent immediately upon discovery to the quartermaster's corral, walled city, for examination by the veterinary surgeon. Horses which upon rigid examination are found to have contracted the disease will be disposed of under the directions of the transportation quartermaster. The provost guard will endeavor to send to the corral all suspicious cases of glanders discovered by it anywhere within the city.

II. Commanding generals of divisions will make renewed effort to impress upon the troops of their commands the necessity of exercising the greatest vigilance to insure the protection and preservation of private property, not only in this city, but wherever they may be quartered or may be acting, either offensively or defensively. The burning or looting of houses or buildings of any description or the abuse of unarmed citizens on the part of the troops will be punished with the utmost severity known to military law. Individual soldiers detected in committing such crimes will be promptly arrested, and in case they attempt to escape will be shot. The seizing of street vehicles by enlisted men for any purpose whatsoever is prohibited.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

GENERAL ORDERS, } HEADQUARTERS FIRST DIVISION, EIGHTH ARMY CORPS,
No. 31. } Manila, P. I., August 23, 1899.

To insure adequate protection to private property and proper reparation to injured parties, the attention of all officers of this command is directed to the following extract from General Orders, No. 35, of the War Department, of 1868, and full compliance with the practice therein formulated is enjoined upon all concerned:

"Under the fifty-fourth of the Rules and Articles of War it is made the duty of commanding officers to see reparation made to the party or parties injured from the pay of soldiers who are guilty of abuses or disorders committed against citizens.

"Upon proper representation of any *citizen of wanton injury to his person or property*, accompanied by satisfactory proof, the commanding officer of the troops will cause the damage to be assessed by a board of officers, the amount stopped against the pay of the offenders, and reparation made to the injured party. This proceeding will be independent of any trial or sentence by court-martial for the criminal offense."

The method of procedure is clearly set forth in Winthrop's Military Law, page 1019 and following, and will be duly observed in such cases as may arise.

In addition to this action, charges will be preferred against the guilty parties for the criminal offense.

By command of Major-General Lawton:

CLARENCE R. EDWARDS,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
February 6, 1902.

FIELD ORDERS } HEADQUARTERS SECOND DIVISION, EIGHTH ARMY CORPS,
No. 2. } Malolos, P. I., April 2, 1899.

I. Many of the citizens of Malolos and other towns in the vicinity desire to return to their abandoned houses within the lines of the Army.

The interests of the United States will be subserved by encouraging this disposition on the part of the natives in every way consistent with military interests.

All officers and soldiers are therefore urged to contribute to the end in view by considerate and kind treatment of these people, who are now part of and under the protection of the United States.

The controlling insurgent authorities have persistently represented the *American soldiers as turbulent, undisciplined, and given to gross and licentious excesses upon helpless people.*

In order to *eradicate the effects of such mendacious misrepresentations* it is especially necessary that all concerned should *sedulously abstain from practices* in any way calculated to annoy or engender the feelings of timidity or mistrust.

Unarmed natives will be permitted to enter our lines at all times during the day, with a view to the resumption of their usual avocations and occupancy of their houses.

By command of Major-General MacArthur:

PUTNAM BRADLEY STRONG,
Assistant Adjutant-General.

A true copy.

BENJ. ALVORD,
Captain, Twentieth Infantry, Aid, Acting Adjutant-General.

FIELD ORDERS, }
No. 26.

HEADQUARTERS SECOND DIVISION, EIGHTH ARMY CORPS,
Malolos, P. I., April 22, 1899.

It is believed that the enemy in considerable force intends to defend the town of Calumpit, the center of the first line of resistance being the railroad track crossing the Bagbag River, and extending to the right and left along the thither banks of the Quingua, Calumpit, and Bagbag rivers. A second line is undoubtedly located along the Rio Grande.

* * * * *

VII. The *purpose of the United States* in these islands is *beneficent*. It is therefore one of the most important duties of American soldiers to assist in establishing friendly relations with the natives *by kind and considerate treatment* in all matters arising from personal contact. To exasperate individuals, or to burn or loot unprotected and abandoned houses or property is not criminal in itself, but tends to impede the policy of the United States and to defeat the very purpose which the Army is here to accomplish. All concerned are accordingly strictly charged to practice becoming self-restraint in the premises, and it is *made the special duty of all officers* to prevent thoughtless and ignorant men from indulging in any of the practices enumerated, and to take necessary action to secure adequate punishment as prescribed by the Articles of War in the event of overt acts being committed by any member of the command, either during the contemplated actions against Calumpit or thereafter throughout the campaign.

VIII. When in hostile contact with the enemy an adversary with arms in his hands must be killed, if possible; but a wounded or surrendered opponent, who is incapable of doing any injury, is entitled to the most cordial courtesy and kindness. *Any departures from the well-established amenities of the battlefield or the laws of war must and will be punished according to the nature of the case to the full extent of the law.*

* * * * *

By command of Major-General MacArthur:

PUTNAM BRADLEY STRONG,
Assistant Adjutant-General.

GENERAL ORDERS, }
No. 5.

HEADQUARTERS THIRD BRIGADE,
FIRST DIVISION, EIGHTH ARMY CORPS,
El Deposito, Luzon, P. I., August 9, 1899.

I. It having been reported to the brigade commander that a number of cases of looting, robbery, and other misconduct on the part of United States troops have recently taken place, attention is again invited to the existing orders in regard to such acts.

All officers, and especially battalion commanders, will introduce into their commands such a system of rigid discipline as will effectually prevent the occurrence of such acts as those mentioned above, and any others which tend to disgrace the fair name of the officers and men of the Army of the United States.

Every effort will be made to detect and punish any case of looting, robbery, extortion, and especially any case where a sentinel has (as has been reported) accepted

money as bribe for violating his orders and permitting unauthorized persons to pass through the lines.

Officers commanding battalions and companies will be held to a most rigid responsibility as to the commission of the above acts by any men of their respective commands.

II. The following regulations in regard to the lines of this brigade will be strictly enforced:

(1) No rice or other food product will pass the lines toward the front except in the following cases:

(a) When the bearer is provided with a pass from corps, division, or brigade headquarters, the pass to state specifically what is to be carried through.

(b) Persons who are engaged in selling food to the troops, or in carrying food products to the city, may carry out a small supply of the actual necessities of life, but in this case officers must satisfy themselves that, without a doubt, the persons are legitimately engaged in the traffic mentioned.

(2) No male person whatsoever shall pass the lines in either direction except when provided with a pass from corps, division, or brigade headquarters.

(3) No contraband of war shall pass the lines. Contraband of war is defined as follows for the lines of this brigade: Any article that could give aid and comfort to the enemy.

(4) When persons appear at the lines armed with passes from corps, division, or brigade headquarters authorizing them (to) carry out any kind of merchandise, care will be taken that only the amount mentioned shall be taken out. A memorandum will be made of every such pass, giving its source, date, name of bearer, and the amount carried out.

(5) Passes signed by the captain of the port, except those for water traffic, will not be honored unless approved at corps, division, or brigade headquarters.

By command of Brigadier General Young:

E. B. CASSATT,
Major, Twenty-seventh Infantry Volunteers,
Acting Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *February 6, 1902.*

FIELD ORDERS, }
No. 2. }

HEADQUARTERS PROVISIONAL BRIGADE,
FIRST DIVISION, EIGHTH ARMY CORPS,
Arayat, October 12, 1899.

Maj. J. A. Augur, Fourth Cavalry, is hereby detailed provost-marshal of Arayat. Commanding officers of organizations will furnish him with the necessary guards called for by him for the protection of property and the prevention of looting by the soldiers of this brigade.

Complaints of looting have already been received. It is believed that company commanders do not exercise sufficient control over their men, or such disgraceful acts could not occur. It is forbidden for any enlisted man to enter any residence, occupied or vacant, unless by authority of a commissioned officer, for some purpose necessary to the service.

By command of Brigadier-General Young:

W. R. SMEDBERG, Jr.,
First Lieutenant, Fourth Cavalry, A, Aid-de-camp.

ADJUTANT-GENERAL'S OFFICE, *February 6, 1902.*

GENERAL FIELD ORDERS, }
No. 50. }

HEADQUARTERS FIRST DIVISION,
EIGHTH ARMY CORPS,
In the Field, Tayug, November 27, 1899.

The circumstances and conditions which justified the seizing of material and supplies and the impressing of labor and transportation from the inhabitants of the country through which this command has recently been operating no longer existing, such practices will immediately cease. In future all labor, material, and supplies will be procured in the usual and legitimate way.

Should a temporary or special emergency arise, the commanding officer on the spot for the time being will give written orders setting forth the emergency and necessity, directing and limiting what labor, material, or property shall be taken, stating the parties and places from which it is taken. A copy of such order will be immediately forwarded to these headquarters.

All commanding officers of places or stations where troops are being held along the line over which this command is or has been operating will immediately take measures, by appointing boards of officers, inspectors, or otherwise, to ascertain and adjust all claims for damages or for property or supplies taken or used by the troops.

The commanding officer Third Brigade will give this his special attention and will cause each officer exercising command along his line to report action taken.

By command of Major-General Lawton:

CLARENCE R. EDWARDS,
Lieutenant-Colonel Forty-seventh Infantry, U. S. Volunteers,
Acting Assistant Adjutant-General.

GENERAL ORDERS. } HEADQUARTERS BELL'S EXPEDITIONARY BRIGADE,
No. 3. } FIRST DIVISION, EIGHTH ARMY CORPS,
Transport Tartar, February 16, 1900.

1. The brigade commander directs that the orders of the department commander relative to the rights of peaceable citizens, appropriating of the property of any peaceable citizen, and entering the houses of any of the natives, except in the execution of orders, be rigidly enforced in this command. Anyone violating these orders will be severely dealt with.

All cases of violation of these orders will be reported promptly to these headquarters by the offender's immediate commanders.

2. In appropriating houses for the use of troops as may become necessary during the military operations, the commanding officers of the various columns operating in the field will see that it is done with as little inconvenience to and deprivation of the peaceable citizens as is consistent with the comfort of the troops.

3. When it becomes necessary for troops operating in the field to supply themselves from the resources of the country with rations and other supplies, receipts will invariably be given to the owners of the property when ownership is clearly established. In cases where the ownership is doubtful no receipt will be given, but a memorandum showing date, place, and quantity of stores taken will be kept by the commanding officer or a member of his staff and forwarded to brigade headquarters as early as possible.

By command of Brigadier-General Bell:

PETER MURRAY,
Captain, Eighteenth Infantry,
Acting Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE. *February 6, 1902.*

CIRCULAR } HEADQUARTERS DISTRICT OF SOUTHEASTERN LUZON,
No. 4. } *Nueva Caceres, P. I., April 28, 1900.*

The troops of this district will exercise the greatest care and judgment in firing upon natives, in order that they may not fire upon women and children. The promiscuous burning of houses must also be avoided, and only such structures as are used for military purposes, such as storehouses, barracks, or insurrectionary meeting places, together with all food supplies, clothing, arms, and munitions of war intended for the use and subsistence of insurgents, will be destroyed.

By command of Brigadier-General Bell:

PETER MURRAY,
Captain, Eighteenth Infantry,
Acting Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *February 5, 1902.*

GENERAL ORDERS. } HEADQUARTERS DEPARTMENT OF SOUTHERN LUZON,
No. 24. } *Manila, P. I., June 5, 1900.*

Rumors having reached these headquarters to the effect that unjustifiably harsh measures have been employed in some instances to extort information from captured ladrones, officers of this command are reminded that General Orders, No. 100, War Department, series 1863, provide ample and lawful methods for the treatment of prisoners, spies, and other persons not entitled to the rights of recognized belligerents, and all departures from the provisions of said orders are strictly prohibited.

While it is not believed that any officer of this command would, either openly or indirectly, sanction any unmerciful acts, and still less that he would deliberately order them, all persons in the military service in this department are nevertheless warned that no end can be so desirable or important as to justify a departure from the recognized laws of war or a resort to any deliberate measures of cruelty.

By command of Major-General Bates:

ARTHUR L. WAGNER,
Assistant Adjutant-General.

Official:

H. M. REEVE,
Aid-de-Camp.

[Circular No. 6.]

HEADQUARTERS SECOND DISTRICT,
DEPARTMENT OF THE VISAYAS,
Cebu, Cebu, P. I., June 20, 1900.

No house or other property will be seized or destroyed by this command except where there is reason to believe the insurgents intend to use the same.

The greatest care will be exercised to avoid firing upon natives not in arms against the United States.

Food supplies captured from the enemy will be transferred, by the impressed aid of natives if necessary, to the nearest military station, or other desirable locality, for distribution to the poor. A special and detailed report will be made in every instance where property is seized or destroyed and a native killed or wounded.

This order will be read, on its receipt, to every company and separate detachment in this command, and thereafter at retreat on the first Sunday in each month, unless the company or detachment be in the field, in which case it will be read at retreat on the day succeeding the return of the company or detachment to its station.

Officers in command of scouting parties will prevent their men entering houses except when ordered by an officer to enter on duty.

Subdistrict commanders will rigidly enforce this order.

By order of Colonel McClernand:

FRANK MCINTYRE,
Captain and Adjutant, Nineteenth Infantry, Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *February 6, 1902.*

[Circular No. 3.]

HEADQUARTERS FIRST DISTRICT,
DEPARTMENT OF THE VISAYAS,
Tacloban, Leyte, P. I., June 26, 1900.

1. Reliable information having been received by the district commander that native women and children have lately been killed or wounded by indiscriminate shooting on the part of troops of this command, the district commander takes occasion to notify all officers under his command that we are at war with armed insurgents and their supporters only, and that indiscriminate firing upon natives seen in the country surrounding towns will not be tolerated. Officers of the district will be held directly responsible for the conduct of the men under their commands in this respect.

The district commander wishes it to be distinctly understood that his policy is to treat all natives in the district with the utmost kindness and consideration unless it is positively known that they are insurgents, or engaged in giving aid to the insurgents. Whenever armed parties of the insurgents are found it is desired that they be struck as hard as possible, but under no other circumstances should shooting be engaged in unless it is certain that the persons shot at are men and enemies.

By order of Colonel Murray:

E. R. TILTON,
Captain and Adjutant, Forty-third Infantry, U. S. Volunteers, Adjutant.

ADJUTANT-GENERAL'S OFFICE, *February 5, 1902.*

[Circular No. 6.]

HEADQUARTERS FIFTH DISTRICT,
DEPARTMENT OF NORTHERN LUZON,
Angeles, P. I., July 14, 1900.

Owing to a large number of complaints, reported to these headquarters, of ill treatment of natives on the part of scouting parties in this district, commanding officers are hereby directed to caution their officers and men against harsh and illegitimate treatment of natives at all times. A patient perseverance in legitimate methods is that policy best calculated to accomplish the desired results in the end. Officers and men of this command must distinctly understand that any harsh treatment of natives will be thoroughly investigated and all guilty persons punished.

By command of Brigadier-General Grant:

F. GUY KNABENSHUE,
First lieutenant, Fifteenth Infantry, Aid-de-Camp.

ADJUTANT-GENERAL'S OFFICE, *February 5, 1902.*

EXHIBIT F.

Memorandum showing trials of officers, enlisted men, and camp followers for offenses of cruelty against natives in the Philippines and for violations of the Laws of War.

Name and rank.	Date.	Offense.	Sentence.	Remarks.
OFFICERS.				
Second Lieut. Wm. M. Capp, Sixth Artillery.	July 23, 1899	Firing into town, and looting.	Reprimand.....	Punishment inflicted by Lieutenant Thomas was "very severe and amounted almost to acute torture," and his actions "can not be too much deplored nor too emphatically denounced."
Lieut. Bissell Thomas, Thirty-fifth Volunteer Infantry.	Dec. —, 1899	Assaulting prisoners and cruelty.	Fine \$300 and reprimand.	
Second Lieut. Francis J. Ellison, Thirtieth Volunteer Infantry.	Feb. 4, 1900	Looting and encouraging same.	Reprimand.....	
Capt. Isiah H. Baker, Forty-sixth Volunteer Infantry.	Mar. 2, 1900	Permitted looting ..	.....do	Sentence set aside by reviewing authority as irregular.
Capt. Geo. W. Brandle, Twenty-seventh Volunteer Infantry.	May 26, 1900	Torture, by causing natives to be hung by neck for ten seconds.	.....do	
Second Lieut. Alvin S. Perkins, Twenty-seventh Volunteer Infantry.	.....do	Torture, by causing natives to be hung by neck for ten seconds.	.....do	Acquitted as to cruelty to (1) Andre Bautista, (2) Simon Maninill, (3) Agaton Grande, (4) Pavian de los Santos.
First Lieut. Preston Brown, Second Infantry.	Dec. 22, 1900	Killing a prisoner of war.	To be dismissed and confined at hard labor for 5 years.	
Capt. John B. Jeffery, assistant quartermaster volunteers.	Feb. 11 or 12, 1899.	Quitting post to pillage.	.....do	Acquitted.
ENLISTED MEN.				
Walter Turnbull, jr., Company I, Fourteenth Infantry.	Feb. —, 1899	Assaulting native woman with bayonet.	Dishonorably discharged, forfeiture of pay and allowances, and 3 years' confinement.	
John H. Adams, Company L, Thirteenth Infantry	June —, 1899	Robbery	Dishonorably discharged, forfeiture of pay and allowances, and 6 months' confinement.	
John Ryan, Battery M. Sixth Artillery.	Aug. —, 1899	Wounding native on head with heavy bottle.	Fine \$120	
Joseph J. Faust, Company M, Seventh Infantry.	Oct. —, 1899	Kicking native woman in face.	Fine \$60	
Jas. Henderson, Company L, Thirteenth Infantry.	Apr. —, 1900	Robbery and terrorizing natives.	Dishonorably discharged, forfeiture of pay, and 1 year confinement.	
Clarence R. Moore, Company H, Thirty-fifth Infantry.	.....do	Looting	Fine \$30 and 3 months' confinement.	
Bruce C. Walsh, Company M, Fourteenth Infantry.	Mar. —, 1901	Robbery from person.	Dishonorable discharge, forfeiture of pay, and 3 years' confinement.	
Jay J. Poffenholtz, Company A, Fourth Infantry.	June —, 1900	Choking and robbing native woman.	Dishonorable discharge, forfeiture of pay, and 5 years' confinement.	

Memorandum showing trials of officers, enlisted men, etc.—Continued.

Name and rank.	Date.	Offense.	Sentence.	Remarks.
ENLISTED MEN—continued.				
Iden L. Gugit, Company G, Thirty-fourth Volunteer Infantry.	Aug. —, 1900	Robbery	Dishonorable discharge, forfeiture of pay, and 3 years' confinement.	
Pvt. Phineas Foutz, Company K, Nineteenth Infantry.	Nov. 15, 1900	Killing native girl by stabbing.	Death	G. O. 105, A. G. O., Aug. 7, 1901.
Pvt. Wm. E. Scarborough, Company B, Third Infantry.	Apr. 21, 1899	Rape .....	.....do	Commuted to 20 years' imprisonment by President. G. O. 208, A. G. O., Dec. 16, 1899.
Pvt. Otto R. Conine, Company B, Sixteenth Infantry.	July 24 or 25, 1899.	.....do .....	.....do	Do.
Corpl. Geo. Danphoffer, Company B, Sixteenth Infantry.	.....do .....	.....do	Dishonorable discharge, forfeiture of pay, and life confinement.	Confinement commuted to 20 years. G. O. 208, A. G. O., Dec. 16, 1899.
Pvt. Peter McBenett, Company B, Sixteenth Infantry.	July 24 or 25, 1899.	.....do	Death	Commuted to 20 years' imprisonment by President. G. O. 208, A. G. O., Dec. 16, 1899.
Pvt. Edward M. Brodie, Troop C, Third Cavalry.	Nov. 13, 1900	Wantonly killed a native boy.	Dishonorable discharge, forfeiture of pay, and life confinement.	G. O. 7, Department of Northern Luzon, Feb. 18, 1901.
Pvt. Jas. F. Coffey, Troop C, Third Cavalry.	.....do .....	.....do .....	.....do	Do.
Pvt. William Victor, Troop H, Ninth Cavalry.	Jan. 10, 1901	Rape of 14-year-old native girl.	Dishonorable discharge, forfeiture of pay, and 20 years' confinement.	G. O. 14, Department of Southern Luzon, Feb. 5, 1901.
Musician Julius Arnold, Company M, Twenty-fifth Infantry.	Jan. 15, 1900	Insulting and killing native woman.	Dishonorable discharge, forfeiture of pay, and life confinement.	G. O. 9, headquarters provost-marshal-general, Manila, April 25, 1900.
William Clay, Company A, Twenty-fourth Infantry.	June —, 1901	Assault and battery on native woman.	Dishonorable discharge, forfeiture of pay, and 1 year confinement.	
Henry Bruce, Company A, Twenty-fifth Infantry.	Aug. —, 1901	Assault on natives, including a young girl.	Fine \$20 and 2 months' confinement.	
CIVILIANS.				
William Harvey, retainer.	Feb. —, 1901	Raping native 60 years old.	Confinement for 10 years.	
Robert Porter, civilian employee quartermasters' department.	Dec. 10, 1899	Rape and other assault.	Death	Commuted to 20 years' confinement. General Orders, 37, Adjutant-General's Office, Mar. 27, 1900.
Geo. A. Raymond, civilian.	May 7 to 9, 1901.	Murder, rape, robbery, and general outlawry.	.....do	General Orders, 240, Division of Philippines, Aug. 29, 1901.
Harry Cline, teamster.	Apr. 8, 1901	Murder and assault with intent to kill.	.....do	General Orders, 239, Division of Philippines, Aug. 24, 1901.
SCOUTS.				
Segundo Arcella, native scout.	June 6, 1900.	Rape and abduction.	To be hanged	
Pasquinto de Leon, native scout.	Dec. 15, 1900.	Murder, communicating with and relieving enemy.	.....do	

Memorandum showing trials of officers, enlisted men, etc.—Continued.

Name and rank.	Date.	Offense.	Sentence.	Remarks.
ENLISTED MEN.				
Private John Allen, Company I, Thirty-second Infantry Volunteers.	Jan. 20, 1901.	Murder.....	Dishonorable discharge, forfeiture of pay, and 20 years' confinement.	
A. Dobby, Company F, First Wyoming Volunteers.	Aug. —, 1898	Looting	Fine \$10 and 2 months' confinement.	
John S. Anderson, Company A, Third Infantry.	July —, 1900	.....do	Dishonorable discharge, forfeiture of pay, and 1 year confinement.	
Frank Miller, Company I, Twenty-third Infantry.	Oct. —, 1899	Rape	Death	Commutated to 20 years' confinement.
Alvin S. Grosz, Company L, Nineteenth Infantry.	Feb. —, 1900	Looting from church.	Dishonorable discharge, forfeiture of pay, and 3 years' confinement.	
Willie Wilson, Company F, Forty-eighth Volunteers.	Aug. —, 1900	Murder.....	Death	Commutated to 30 years' confinement.
Thos. E. Lewis, Company A, Forty-ninth Infantry.	Apr. —, 1900	Assault	Confinement for 1 month.	
William Whitehead, Company L, Twenty-fifth Infantry.	Feb. —, 1901	Assault with knife with intent to kill.	Dishonorably discharged, forfeiture of pay, and 5 years' confinement.	
Thomas Walsh, Company D, Twenty-fifth Infantry.	Mar. —, 1901	Assault, intent to rape.	Fine \$45 and 5 months' imprisonment.	
Arthur B. Butler, Company A, Twenty-fifth Infantry.	.....do .....	.....do .....	.....do	
OFFICERS.				
Second Lieut. James M. Dickerson, Forty-ninth Infantry.	Feb. 8, 1901	Improper relations with native women.	.....	Acquitted.
First Lieut. A. F. Fisk, Thirty-fifth Infantry Volunteers.	Aug. 25, 1900	Permitting pillage..	.....	Do.

EXHIBIT G.

1.

In report of General Otis as military governor and commander of Eighth Army Corps, made August 31, 1899, is found the following:

On page 17 in his note to Aguinaldo he says:

“Permit me in conclusion, General, to bring to your attention facts of which you are doubtless ignorant, and which all connected with the American authorities, especially that vast majority who have entertained a decided and pronounced friendly interest in the Philippine people, have viewed with more or less indignation. In a number of instances kidnapping and robbery have been committed recently within the city by parties who claimed to be connected with your forces, some of whom stated that they were acting under your instructions.”

On page 70, referring to the formation of clubs in the city of Manila for the purpose of assassinating Filipinos known to be loyal to the United States, General Otis says:

“Shortly before this time the insurgents had commenced the organization of clubs in the city, membership in which now, I was informed, amounted to 10,000. The chief organizer was a shrewed mestizo, a former close companion of Aguinaldo, by whom he had been commissioned to perform this work. He was a friend and associate of some of our officers; was engaged in organizing the clubs only, as he stated, to give the poorer classes amusement and education; held public entertainments in

athletics to which our officers were invited, and in which our soldiers were asked to participate. Gradually arms were being secretly introduced and bolos were being manufactured and distributed. The arms were kept concealed in buildings, and many of them were subsequently captured. The Chinamen were carrying on a lucrative business in bolo making; but the provost-marshal had cruelly seized considerable of their stock. These clubs had received military organization and were commanded by cunning Filipino officers regularly appointed by the Malolos government. The chief organizer departed after organization had been perfected and thereafter became a confidential adviser in Malolos affairs. This organization was the subject of grave apprehension, as it was composed of the worst social element of the city, and was kept under police supervision as closely as possible. It was also dreaded by the better class of Filipino inhabitants, many of whom believed themselves selected for assassination on account of their expressed desires for American protection."

On page 80 General Otis, referring to conditions existing in Manila, says:

"Subsequent to January 5, and before the President's message had been received, I was approached by influential Filipino gentlemen (through an agent, an American citizen, they fearing that their individual safety would be endangered should they call in person), who expressed a strong desire for continued peace and an harmonious settlement of difficulties."

On page 128 a similar reference is found as follows:

"Shortly thereafter the dissensions between the friendly disposed and hostile-intentioned natives became bitter and culminated in the assassination of one of the most prominent citizens simply because he advocated United States protection, and attempts were made upon the lives of a number of others who favored United States occupation."

In General Otis's report as military governor and commander of Division of the Philippines, made May 14, 1900, is found the following:

On page 111 Major Baldwin, in a dispatch from Puncan, December 13, 1899, to the chief of staff, said:

"All the officials of Nueva Vizcaya Province are honestly and sincerely desirous of peace and are thoroughly glad to come under American rule. The present governor was forced to take the position by the insurgents, but still is an able man and can be used to great advantage in behalf of our Government. He has rendered gladly and zealously all possible assistance to our troops. He says the people wish for the Americans, for the insurgents robbed them of everything, forced them to contribute, killed some of their men to obtain money, and in some instances raped their women. He says the province of Isabela is very anxious to become American, and that no trouble will be experienced there except from roving bands."

On page 130, General Young, in a telegram from Vigan, January 13, 1900, to the Adjutant-General, referring to the assassination of Filipinos who were about to surrender, said:

"Following just received from Candon:

"Have just intercepted message from Tinio to commander of Filipino forces near this place ordering execution of all Filipinos who surrendered themselves to Americans. Otherwise message not important. Also intercepted message from Crisanta, rebel comandante near Santa Lucia, ordering presidentes in towns of Ilocos Sur to furnish money and provisions and threatening death penalty. Am informed that party of armed insurrectos moved toward Narvacan last night. Indications point to concentration near Cobeta and Santa Maria.

"CAPTAIN DAVIS."

On page 133, General Young, from Vigan, February 3, 1901, referring to the assassination of the presidente and a schoolmaster, said:

"Captain Van Way reports from Bangued that courier brought information that at 6 p. m., February 1, an officer and seven insurrectos entered San Jose and shot and killed Presidente Hilaron Crisologo, Schoolmaster Perfecto Cruz, and Manuel Javier, the latter having been a guide for American forces. The party then left, presumably to join Villamar in the mountains."

On page 136, General Young, from Vigan, in a telegram to the chief of staff, referring to the murder of the presidente, said:

"Following just received from Laoag:

"Regret to inform you that the presidente of Pasuquin was taken off yesterday morning and killed by a band of about 20 ladrones. Have two detachments after them. Hope to kill the whole band, but difficult to find.

"HOWZE, Commanding."

On page 143, General Otis, in referring to the conditions found by General MacArthur of cruelties inflicted upon loyal Filipinos, said:

"His troops were very actively engaged in pursuing the remnants of Aguinaldo's northern army and the self-constituted guerrilla bands, also in giving all possible protection to the inhabitants of towns and cities against the incursions of ladrones, who plundered them without mercy, adding torture and murder when their extortionate demands were not promptly complied with. The wealthy inhabitants, those possessed of estates, were in a precarious condition. The scattered insurgent forces, which still retained some form of organization, called upon them for contributions to the insurgent cause, promising upon compliance to protect them from the cruelties of the robber bands. They demanded of the city authorities, appointed by our own officers, the imposition and collection of taxes and the sale of insurgent cedula for insurgent uses, on penalty of confiscation or destruction of private property.

"The presidente of one of the cities, wealthy in landed estates, was reported to be contributing to a leading insurgent officer who was still engaged in active hostilities. Upon investigation, his friends, who were trusted men, asserted that he could not do otherwise; that he was very anxious for the success of the American arms and the peace of the country, and was doing all he could to effect it, but that he was under painful duress and obliged to contribute of his means upon insurgent demand in order to retain any portion of his property. Thus, as was ascertained, many citizens of friendly intent were situated. It only remained to pursue effectually and to destruction all remaining insurgent organizations and bands of ladrones to insure the pacification of the country, and this policy was pursued with very satisfactory results."

On page 202, General Otis, in referring to conditions at Leyte, considering a proposition to withdraw a portion of the troops, said:

"This encouraged the enemy, influencing him to increased activity, and was the occasion for much unrest, excitement, and loss of life, which possibly might have been avoided. The inhabitants of the cities and surrounding country wished peace, the opening up of their markets, and the resumption of civil employments. They desired to have our troops among them, if in sufficient strength to protect them from the raids of the insurgent soldiers and mountain robbers. Assured that this protection was sufficient for personal safety and the security of private property, and that it would be continued, they gave us every assistance in their power. The withdrawal of detachments from our troops stationed in some of the cities, in order to assist those pursuing the enemy into the interior, limited the protection necessary to be given, and enabled the insurgents to rob, impress, and murder the people living within the outlying sections of those cities, whereby the results which we sought to obtain were delayed."

On page 215, General Hughes, in a telegram to Barry, referring to a plot to assassinate all Filipinos who befriended the Americans, said:

"Angel Araneta arrived at La Carlota shortly before the breaking out of the revolution there. His arrival was regarded as a sign of trouble and caused uneasiness. I had previously heard of him as a promoter of revolutions in Iloilo, although very adroitly professing friendship for Americans, as all revolutionists do. I had him watched and found he made visits to the coast shortly before the revolution broke out there. I was also informed, on good authority, that at a dinner he said that anyone who befriended the Americans would be assassinated when the Filipinos came in power. I was also informed that he was accumulating arms at his hacienda. Thinking it time, in view of the serious condition of affairs, to act, and knowing his general reputation to be very bad as a revolutionist, I searched his house and found 2 rifles, 3 revolvers, 2 shotguns, 300 rounds of ammunition, and other weapons. Have kept him in confinement to help peace in this vicinity."

On page 217, General Otis, in referring to conditions at Iloilo, as represented by General MacArthur, said:

"The insurgents evidently had reunited in small bands and returned from the mountain country, determined to annoy our troops by surprise and ambush, if not destroy them in part, scattered as our companies now were among the more important towns of the island. They drew their subsistence, of course, from the inhabitants, whom they compelled to contribute of their scant food and also of their money and treasures. Secure concealment by the people of their personal property alone made it safe, and by furnishing information to our officers they would, if detected by the robbers, forfeit their lives."

On page 222, General MacArthur, in referring to a Moro dato who had raised the United States flag and was educating his subjects to loyalty, said:

"The Moro dato of that section, a man of superior natural ability and of considerable education acquired in Europe, had advocated United States rights and requested

our military occupation ever since the evacuation of the territory by Spain. He had raised the United States flag and had asked the permission of our officers to attack and drive out the insurgents, positive of his ability to do so without our assistance. His attitude and the close blockade maintained by the navy, which caused some suffering among the inhabitants for the desired articles of subsistence, was probably the chief cause of insurgent disaffection, the stronger and prevailing faction laboring for the relief which our occupation and the consequent opening of the port for the entrance of rice and other food products would bestow. The warring of the factions was conducted without regard to humanitarian sentiments or the laws of war. A number of lives paid the penalty of their disagreements, mostly taken through some form of assassination and very few in open combat."

On page 246, General Otis, in referring to a report of General MacArthur of the conditions in Luzon, said:

"The character of warfare which prevailed in these four large Luzon provinces during the months of February, March, and part of April, the weakness of the enemy, the activity of our troops, the apparent rapid change in sentiment on the part of the inhabitants, as manifested by their return to their homes (which they abandoned upon our advance) so soon as we occupied the country and could give them protection, and the assistance they furnished us to find, arrest, or scatter ladrones, or the small remaining insurgent bands, are shown in the foregoing copies of telegrams. The telegrams also show the severe punishments those inhabitants invited from insurgents or ladrones if discovered to have given information concerning them, a fact which the inhabitants fully realized. A few of them who gave information were assassinated; but with the establishment of town government and the appointment of native police under military supervision the confidence of the people in their personal security was strengthened, and the aid they rendered the troops in their efforts to discover the places in which arms and other war material were hidden was valuable."

On page 143 General MacArthur, referring to conditions at Cabaruan, said:

"The thousands of people there under duress have been ordered home, and in a few days it is hoped that the excitement that has kept this part of Pangasinan in an uproar since our arrival here will subside. I shall keep two companies at Cabaruan for the present to insure the safety of the people now there and prevent robbers from utilizing the old rendezvous from which to continue their depredations. Precisely how the religious and robber elements are combined I have not yet been able to ascertain, but it is a fact that people by the thousands have been driven into this place and treated with the most wanton cruelty. Colonel Smith saw nine women and several children who had been tortured by bolo cuts inflicted on all parts of their bodies. It is also a fact that this part of Pangasinan has been terrorized by these people, the large town of Malasiqui being almost entirely depopulated in consequence of their depredations. I have now in confinement in different places between here and Dagupan six or seven desperate criminals connected with this robber organization, some or all of whom can be convicted of murder if quick trial could be had by military commission in this vicinity."

In General MacArthur's report of September 26, 1900, referring to the people at Panay and Luzon, after the loyalty of the Filipinos in Negros was made public, he says, on page 251:

"The insurrectionary leaders of Panay and Luzon were furious beyond measure at the action of Negros, and sought by every available means to bring about a rupture of relations between the United States and the people of the island. A price was put upon the heads of the members of the provisional government, a bureau for the circulation of all kinds of false information started, and earnest efforts made to create a general feeling of terrorism. The weak were bullied, the doubtful argued with, and the strong threatened. The sons of the soil dragging the plow, the women of the country chattels bearing the brand of American ownership, the churches desecrated, their faith trampled upon, the land exploited, their heritage lost, and the people slaves constituted a motive for sorrowful pictures which it was thought would appeal to the sentimental. The bolo and the threat were the arguments which it was expected would enforce silence if they did not induce conviction in the practical."

In General MacArthur's report for 1901, as published in the report of the Lieutenant-General Commanding the Army, in part 2, referring to the claims of the Filipinos to their debt of allegiance to the Filipino cause, when inclined to be loyal to the United States, he says, on pages 89-90:

"To this end the leaders announced a primal and inflexible principle, to the effect that every native, without any exception, residing within the limits of the archipelago, owed active individual allegiance to the insurgent cause. This jurisdiction was enjoined under severe penalties, which were systematically enforced, not only within insurgent territory, but also within the limits of American garrisons. By

means of secret committees residing in or sent to the towns, contributions of all kinds were collected and sent to the field, and punishments, including capital executions, were administered without resistance on the part of the victims."

* * * * *

"The cohesion of Filipino society in behalf of insurgent interests is most emphatically illustrated by the fact that assassination, which was extensively employed, was generally accepted as a legitimate expression of insurgent governmental authority. The individuals marked for death would not appeal to American protection, although condemned exclusively on account of supposed pro-Americanism, or give information calculated to insure their own safety, even when such procedure could easily be accomplished by means of conference with American commanders, who in many instances were stationed within the barrios where the victims resided."

On the same page, 90, referring to the reason why murdered Filipinos did not openly acknowledge their loyalty to the United States, he adds:

"As a consequence of centuries of monarchical colonial administration, the people of these islands are suspicious of, rather than grateful for, any declared or even practical governmental beneficence, and in this particular instance they undoubtedly looked upon the lenient attitude of the United States as indicating conscious weakness, which in itself was sufficient to induce grave doubt as to the wisdom of siding with such a power, especially so, as the United States had made no formal announcement of an inflexible purpose to hold the archipelago and afford protection to pro-Americans by proclaiming a legal and constitutional right, as well as a determined purpose, to act accordingly."

On page 132, General Barry, chief of staff, in a report to his commanding general, says:

"The dispersion of the troops into a great many small commands was necessary in order to afford protection to the peaceably inclined inhabitants against marauding guerrilla bands, who otherwise would have pillaged them and forced many to join their ranks, to open up the country to trade, and to enable the inauguration of provincial governments so far as possible. There was a general cry throughout the archipelago, 'Protect us against these guerrilla and robber bands, or we will be forced to join them and contribute to their support.'"

On page 220, Lieut. Col. Thomas Allen, chief signal officer, engaged in establishing telegraph lines, referring to capture and murder of natives assisting him in his work, says:

"On September 10, about the same time the insurrection broke out on the adjacent coast of Leyte, one native lineman, with his tools, was captured and probably killed, and on October 15 two more met the same fate. A fourth was captured some time after, and it became very difficult to obtain natives for that work."

On pages 437, 438 the provost-marshal-general, in referring to the employment of natives as policemen and their intimidation, says:

"The greatest obstacle to successful operations here, as elsewhere upon the islands, was the inability of Americans to get reliable information, it being practically impossible to secure it in any other way than through natives, who were unfriendly, or thoroughly intimidated by the insurgents, almost to an individual."

In the report of the first Philippine Commission, made in January, 1900, on pages 177, 178, referring to a report from General MacArthur on the taking of Malolos, the Commission say:

"When General MacArthur began the movement which ended in the taking of Malolos, the natives, at the order of General Luna, fired their towns before his advancing columns. Those who were unwilling to leave their homes were driven out by insurgent soldiers, who burned their houses. The object of this inhuman procedure was to compel the inhabitants to flee before us, and thus prevent their learning from experience that the fearful tales concerning our soldiers, with which they had been deceived, were myths. This method of procedure, eminently successful at first, in the end recoiled on its authors, provoking so much opposition that the obnoxious order was revoked."

* * * * *

"A visit to those towns at this time revealed a greatly changed public sentiment. The inhabitants had neither burned their homes, nor, as a rule, abandoned them, but had quietly awaited the arrival of the American troops. Those who had remained soon learned that their confidence had not been misplaced, and those who had fled speedily returned. We found their condition to be most pitiable. They had been plundered by the insurgent troops, who had robbed them of jewels, money, clothing, and even food, so that they were literally starving. Peaceable citizens had been fired upon. Women had been maltreated, and there was general satisfaction that the Americans had come at last."

* * * * *

"We found them thankful for the considerate treatment they had received from our troops, and willing to aid us against the insurgents, at whose hands they had suffered so severely. They seemed, however, powerless to act on account of lack of organization, and there was a universal desire for the establishment of some form of municipal government."

On page 384, of volume 2, of the same Commission's report, Benito Legardo, a witness before the Commission testified as follows:

Q. "What was this kidnapping by Pio del Pilar?—A. He ordered people to be seized who favored the Americans, or even people who had strongly favored the Spanish. Some were carried away and flogged, and others were taken off in the hills and disappeared and were never heard of again. Then, the principal agitators of Aguinaldo, who were Sandico and others, established here in Manila the 'popular clubs,' which was a society similar to the Katipunans, and this society became very widespread here, and its principal object was to prevent Filipinos from getting in sympathy with the Americans."

In the annual report of the Taft Commission made to the President November 30, 1900, they say of conditions generally (pp. 17 and 18):

"From all the information we can get it seems clear that a great majority of the people long for peace and are entirely willing to accept the establishment of a government under the supremacy of the United States. They are, however, restrained by fear from taking any action to assist the suppression of the insurrection which has for its indispensable support a conspiracy of murder. Without this, armed resistance to the United States authority would long ago have ceased. Anyone suspected of giving information to the Americans concerning the insurgents is immediately marked for assassination. The ramifications of the conspiracy are so wide that it has effected the terrorism of an entire people. It is a Mafia on a very large scale.

"The difficulty the people have in communicating with the Americans because of a want of knowledge of their language, character, and customs would have a tendency to make them silent in any event, and when this is accompanied by the very present prospect of being abducted, boloed, or tortured if any disclosure is made, it is not remarkable that the insurgents are able to assume the rôle of amigos when pressed and hide themselves in barrios of the towns if driven out of the mountains where they have their headquarters. Not infrequently the municipal officers assume a double duty, one to the Americans and one to the insurgents, though this is not generally true except in those provinces near to which an active insurgent headquarters is situated. Nor does this double part indicate that the sympathy of the municipal officer is with the insurgent, but only that punishment for failure to render service to the insurgents will be much more bloody and severe than for infidelity to the Americans and the violation of the oath of allegiance. We have already made provisions out of the public civil funds for the widows and children of two municipal officers assassinated by order of the insurgents for loyal civil service to the United States, and there are others with similar claims likely to seek the same relief. We do not intend to establish a system of pensions, but we think that in such cases, when clear, it is a wise public policy to give all who are risking their lives for the United States and the best interests of their country to know that in the unfortunate case of their murder their families will be taken care of by a grateful Government."

In the report of the Taft Commission, so called, to October 15, 1901, in Part I, on page 57, referring to the matter of organizing the Philippine constabulary, they say:

"The Commission further directed attention to the fact that the masses of the people were anxious for peace and quiet and ready to accept American sovereignty, but as matters then stood they were terrorized and often forced into an attitude of hostility which they did not feel, and that organizing troops and police from their own people would inspire them with confidence and courage and convince them that they could best protect themselves by actively aiding the civil and military authorities. The objection made as to the loyalty and effectiveness of native troops and police was discussed and the conclusion reached that it was without foundation."

On page 163, Dr. T. H. Pardo de Tavera, referring to the organization of the Loyal Federal party, says:

"The first demonstration of material importance made by the party was held when the Civil Commission made a trip through the provinces of Pampanga, Tarlac, and Pangasinan, where persons representing the most distinguished elements of those provinces for the first time made a public expression of their sympathy, confidence, and adherence to the sovereignty of the United States. Such demonstrations were of great value, for, besides revealing in the Philippines a new sentiment, they served to convince the rest of the Filipinos that it was already possible, without endangering life, to express allegiance to the new sovereignty. Terror had reigned in those very

provinces until a short time prior hereto, because natives who had shown they were partisans of the Americans, and who expressed their ideas in public, were cruelly assassinated in their own homes or kidnaped with their families, to be sacrificed in a manner as cruel as it was barbarous."

In part 2 of the report of the Philippine Commission for 1901, on page 169, Señor Victor, presidente of Catbalogan, in an address before the Commission, when considering the organization of a provincial government in Samar, said:

"The efforts made by those who desired peace to bring about an end of the struggle were without avail, and recommended that more soldiers be sent to the island and that every town be garrisoned. Being asked if the people were ready to help the Americans, he said that some of them were, and that others were only awaiting the arrival of American troops to proclaim themselves in favor of law and order."

On page 176, of same part, Señor Ramon Morales, of Tabaco, in the matter of creating a provincial government in Albay, claiming that his town should be designated as its capital, said:

"As one reason, that the people of that district, prior to the coming of the Americans, held a meeting to discuss what their attitude should be, and they decided to accept the American sovereignty. This they had done consistently, though suffering many persecutions and losses because of the position taken so early by them. He thought they should be given the capital in recognition of this stand taken by them. The speaker also referred to the disturbing Tagalog element in the province, which was, he said, the cause of all their woes."

[Extract from "Operations in the Department of Northern Luzon," from report of Maj.-Gen. Loyd Wheaton, commanding department, dated Manila, P. I., June 30, 1901.]

In the nipa swamps, about the northern shore of Manila Bay, robbers and assassins were under Torres endeavoring to maintain themselves. In the provinces of Morong and Infanta bands of outlaws were in the mountains. The continued resistance to the authority of the United States was maintained by the leaders of the insurrection through a system of terror by assassination. All suspected of willingness to accept American occupation were, by the orders of these chiefs of assassins, doomed to death inflicted by executioners who lurked in the immediate vicinity of the towns occupied by our forces and murdered men and women and, in some instances, children, these murders being perpetrated with circumstances of great cruelty.

An organization of the society of the Katipunan was discovered to exist throughout the department, the object of this secret society being the assassination of all Americans and the murder of all men, together with their families, who are friendly to Americans.

The operations of the guerrilla bands were mainly confined to attacking stragglers and small detachments or in firing at night into the towns occupied by our forces. The troops throughout the department were all kept actively employed in the endeavor to exterminate guerrilla bands and in the arrest of the many murderers.

Murderers were arrested and, after their trial and conviction, were sentenced and executed. More than 2,000 robbers, thieves, and violators of the laws of war were duly tried and then imprisoned upon conviction.

Unexampled patience was exercised throughout the department in the treatment of these savages, habitually violating all the laws of war as known to civilized nations, and the humanity of the troops engaged in bringing order out of a chaos of robbery, rapine, and murder has no parallel in the history of dealing with Asiatics. (Vide page 6, part 3, report of the Lieutenant-General Commanding the Army, 1901.)

[Extract from report of Brig. Gen. J. F. Bell, commanding First District, Department of Northern Luzon. Part 3, Report of Lieutenant-General Commanding the Army, 1901, pp. 34, 35.]

I have been in Indian campaigns where it took over 100 soldiers to capture each Indian, but the problem here is more difficult on account of the inbred treachery of these people, their great number, and the impossibility of recognizing the actively bad from the only passively so. If it was deemed advisable to pursue the methods of European nations and armies in suppressing rebellions among Asiatics, the insurrection could have been easily put down months ago; even now, although the seeds of rebellion have permeated all classes, such methods would soon put an end to all active insurrection.

* * * * *

On January 10, five bodies of native scouts, who, with 1 soldier of the Fifth Infantry, were taken prisoners in a barrio of Batac, January 1, were found east of Batac. The heads, legs, and arms had been cut off, and the bodies otherwise mutilated.

One white soldier named Lyons, Company K, Fifth Infantry, after having been taken prisoner, was cut with bolos and was left for dead on the field. He revived and was able to crawl to a shack when night came on. Information was given to a local leader, and he was again taken prisoner and murdered.

[Extract from "Report of operations in Third District, Department of Northern Luzon," report of Brig. Gen. J. H. Smith, U. S. Army, commanding, on p. 113 of part 3 of Report of the Lieutenant-General Commanding the Army, 1901.]

In Pangasinan particularly the local military authorities have been remarkably successful in running down the criminals who have been running at large during the insurrection; in fact, many of the most atrocious crimes of kidnaping and murder were committed under the guise of assisting insurgent operations. Thirty-six in all of these criminals, including the notorious insurgents Vicente Prado, Inocencio Prado, and Francisco Ramos, have paid the death penalty for their barbarous crimes, and many more have been sentenced to various terms of confinement, ranging from two years to imprisonment for life. The work performed by the officers who, under many difficulties and with remarkable patience, investigated these cases and prepared the charges, by the natives who at first unwillingly but later freely gave the necessary information, by the commissions which tried them, has been of infinite value in bringing about the present quiet and peaceful condition of the district, and scarcely less value is to be attached to the work of the provost courts which have handled the vast numbers of less serious cases.

[Extract from "Reports of operations in the Second District, Department of Southern Luzon. From report of Brig. Gen. Robert H. Hall, U. S. Army, commanding, p. 269, part 3, Report of the Lieutenant-General Commanding the Army, 1901.]

September 1. Salvador Reyes, vice-presidente of Santa Cruz, Laguna, murdered. This was the third attempt to assassinate him. Two of the supposed assassins killed while attempting to escape.

[Extract from "Operations in the Third District, Department of Southern Luzon, January 1 to March 5, 1901." From the report of Maj. James A. Shipton, Forty-seventh Infantry, U. S. Volunteers, commanding the post at San Jose de Lagonoy, dated February 1, 1901, on p. 419, part 3, Report of the Lieutenant-General Commanding the Army, 1901.]

The presidente of Tigaon is very unsatisfactory to me, and I am credibly informed that my predecessor was of the same opinion. The town is the least friendly of any in the district, the streets are abandoned, municipal affairs are neglected, the tribunal, formerly a fine building, is in ruins, and the presidente can be found at any hour of the day or night gambling with all comers, among them sometimes soldiers. The wife of Felis Plaso came into the town and reported to the presidente, who said nothing about it. Plaso himself is thought to be in the neighborhood. He is one of the men who ordered the body of Sergeant Huey, of the Fortieth Infantry, U. S. Volunteers, to be disinterred and burned; and Warciso Jallores, another man who took a leading part in this barbarity, is also near Tigaon. His accounts are manifestly not correct, and I am investigating them with a view to his trial.

[Extract from "Operations in the Third district, Department of Southern Luzon, January 1 to March 5, 1901." (From report of Brig. Gen. James M. Bell, commanding, p. 440 of part 3, Report of the Lieutenant-General Commanding the Army, 1901.)]

[Inclosure 60.]

On February 28, 1901, Corporal Merkel and 6 men, Company F, Forty-seventh Infantry, U. S. V., left Daraga at about 8.30 a. m., and scouted to the north as far as Buctong in search of bolomen who had waylaid and cut the eyes out and ear off of a native. Two prisoners were taken in Buctong and identified as the parties who had maltreated said native. Returned to Daraga at about 11.30 a. m. Distance marched about 8 miles.

THOMAS P. MURPHY,
First Lieutenant, Forty-seventh Infantry, U. S. V., Commanding Company F.

[Extracts from "Reports of operations in the Fourth district, Department of Southern Luzon." (From report of Capt. Devereux Shields, Twenty-ninth Infantry, U. S. Volunteers, p. 456 of part 3, Report of the Lieutenant-General Commanding the Army, 1901.)]

On September 15, I offered Abad \$20 each for the delivery of my dead at Santa Cruz, which he refused to do. I was recently informed by William Huff, an American negro who was with me in the capacity of servant during the expedition, that he had seen the enemy mutilate the body of one of our dead, and probably this fact caused Abad to refuse my offer.

[Memorandum for the Secretary of War, by Clarence R. Edwards, chief of division of insular affairs.]

In the first part of December, 1900, the civil governor of the Philippine Islands made the following request to the military governor:

MANILA, *December 3, 1900.*

Maj. Gen. ARTHUR MACARTHUR, U. S. VOLUNTEERS,
Military Governor in the Philippine Islands, Manila.

SIR: I am directed by the Commission respectfully to request that, if not inconsistent with the public interest, a circular letter be sent through the ordinary military channels to all commanders of army posts making an answer to the following questions:

First. How many natives have been assassinated for suspected sympathy and assistance rendered to the American cause within your jurisdiction?

Second. How many persons have been assaulted for the same reason?

Third. How many of those persons killed under the circumstances mentioned in the first question were municipal officers?

Fourth. How many persons assaulted under the circumstances mentioned in the second question were municipal officers?

I have the honor to be, very respectfully, your obedient servant,

WM. H. TAFT, *President.*

The following responses to the four questions were received by officers in whose jurisdiction assassinations and assaults have been made:

Col. S. S. Sumner, commanding first district, Department of Southern Luzon, under date of Santa Ana, Manila, January 4, 1901, incloses reports from all the stations in his district and gives a compilation of the same as follows:

Natives assassinated for sympathizing with Americans	14
Natives assaulted for sympathizing with Americans.....	104
Assassination of municipal officers.....	1
Assaults upon municipal officers.....	1

The following details are noted from the reports of the subordinate officers in this district:

At Bacoar the vice-presidente was killed.

Two natives living in or about Alfonso, named Faustino Vidaldon and Manuel ———, were assassinated for having acted as guides to our forces.

Col. C. C. Carr, commanding the Fourth Cavalry in this district, reports from Pasay that one man, named Marcello Blas Versaval, who was employed as a tailor by Troop E, Fourth Cavalry, was assassinated October 3, 1900, because he refused to rejoin the insurgents, whom he had abandoned some months before. Also that one Eulalio Santiago was reported to have been buried alive at some place in the vicinity of Pasay cavalry barracks, on or about October 6, 1900, because he persisted in accepting employment from the United States quartermaster's department as an overseer of laborers in violation of the orders issued by the chiefs of the insurrection.

Brig. Gen. Robert M. Hall, U. S. Volunteers, commanding second district, Department of Southern Luzon, forwards from Calamba, P. I., January 12, 1901, reports from stations in his district which may be summarized as follows:

Natives assassinated for sympathizing with Americans (1 Chinaman)	17
Natives assaulted for sympathizing with Americans.....	106
Assassination of municipal officers.....	3
Assaults upon municipal officers.....	12

The following details are noted from the reports of the subordinate officers in this district:

At Los Banos, Señor Quisumbang, secretary to the presidente, and three policemen appointed by the presidente were assassinated.

Under the jurisdiction of the provost-marshal of Manila, Lieut. Charles R. Trowbridge, in charge of the department of secret service of Manila, reports under date of December 14, 1900, as follows:

Natives assassinated for sympathizing with Americans.....	5
Natives assaulted for sympathizing with Americans (one of them was assaulted twice).....	3
Assassination of municipal officers.....	4
Assaults upon municipal officers.....	3

In addition, Lieut. Col. W. E. Wilder, Forty-third Infantry, superintendent of police of the city of Manila, under date of December 21, 1900, reports to the provost-marshal the following:

Natives assassinated for sympathizing with Americans	10
Natives assaulted for sympathizing with Americans	3
Assassination of municipal officers	4
Assaults upon municipal officers	3

The commanding officer first district, Department of Northern Luzon, transmitted reports of subordinate commanders showing—

Natives assassinated for sympathy with Americans (also 4 Chinamen)	100
Natives assaulted for sympathy with Americans	40
Assassinations of municipal officers	26
Assaults on municipal officers (besides 5 kidnaping cases)	7

The following extracts from reports covering this district give the details:

Col L. W. V. Kennon, Thirty-fourth U. S. Volunteer Infantry, reporting from Laoag, under date of December 30, 1900, states: "About the middle of January, 1900, Francisco Madrid and 8 Ilocanos were murdered by Tagalogs under a Captain Hernandez between Puncan and Garanglan, province of Nueva Ecija, for having assisted the American forces.

"In July, 1900, 1 man and 3 women, all Ilocanos, were tortured and left for dead near Calipan, barrio of Talavera, for friendliness to Americans. Three died, but one woman was rescued, and with medical attendance in hospital at Cabanatuan recovered."

Lieut. Frank L. Case, Thirty-third U. S. Volunteer Infantry, reporting under date of December 21, 1900, from Angaqui, states: "One native only has been assassinated within this jurisdiction for any cause that could be attributed to sympathy for the American cause, and this was a doubtful case."

Capt. Wm. H. C. Bowen, Fifth U. S. Infantry, reporting from Batoc, Ilocos Norte province, under date of December, 1900, says that 1 native and 4 Chinamen were assassinated in January, 1900; 2 natives had been assaulted, 1 municipal officer assassinated and 1 assaulted.

Lieut. E. G. Davis, Fifth U. S. Infantry, reported under date of December 24, 1900, from Paoag, Ilocos Norte province, stated that the following were assassinated: Antonio Pobre, Mariano Dias, Juan Sodomiano, Cleto Pacada, Maxiamino Eñaga, Ilario Dias, Cecilio Baetteong, Leoncio Blanco, Pedro Saymo, Vidal Clemente, Lino Magamaspad, Eusebio Cabuntasan.

Maj. S. M. Swigert, Third U. S. Cavalry, reporting from Namacpacan, under date of December 25, 1900, states: "One councilman, who was a cabeza de barrio, killed for assistance rendered. Nine men killed by insurgents for suspected assistance and sympathy."

Major Swigert also reported that at Balaoan there had been "1 scout and 2 policemen killed for assistance rendered; 4 men killed for suspected sympathy."

He also states that of those reported below from Bangar, "3 men—presidente local, delegarde de justicio, and industrial—were killed for suspected sympathy; 1 policeman, 4 scouts, and 1 boy killed for assistance rendered."

Maj. H. P. Kingsbury, Third U. S. Cavalry, reporting under date of December 20, 1900, from Badoc, province of Ilocos Norte: "Eight natives have been assassinated; 4 natives have been assaulted and wounded; 2 policemen killed; 2 policemen assaulted; 5 policemen have also been carried off to the mountains."

Capt. F. H. Hardie reported from Cabagoo, province of Ilocos Sur, under date of December 23, 1900, that one native who was friendly to the Americans had disappeared, his body was not found, and the natives believed that he was done away with.

Col. Richard Comba, ——— Fifth U. S. Infantry, under date of December 21, 1900, reported from Bangued, Abra province, that 14 natives had been assassinated for suspected sympathy and assistance rendered the American cause, viz: Bernado Dama-mal, Dimas Bahias, Carlos Biloy, Sinfaroso Espejo, Pedro Blanes, Calizto Santa Maria, Gregorio Balamseda, Mariano Bandarel, Benito Espejo, Efipana Bacarile, Calizto Banderall, Maximo Belasco, Julio Balencia, Pauciano Bringinas. One was assaulted. Eight of those killed were policemen, and one the head of a barrio.

Maj. J. C. Chance, Fifth U. S. Infantry, reported under date of December 18, 1900, from Bucay, that 1 native had been assassinated for being in sympathy with or rendering assistance to the American cause, and 1 native assaulted for the same reason.

Lieut. H. C. Price, Fifth U. S. Infantry, reported from San José, under date of December 18, 1900, that Perfecto Cruz, school-teacher; Hilario Crisologo, presidente, and Manuel Tavier, director, were killed for refusing assistance to the insurgents.

Brig. Gen. S. M. B. Young, commanding the first district, Department of Northern Luzon, reported on December 21, 1900: "On September 2, 1900, Justo Sonido, who had been appointed justice of the peace at Cabugao, appeared before the judge of the court of first instance in Vigan and took the oath of office. When he arrived at the bridge near San Ildefonso, on the same date, he was taken by a lot of scoundrels who called themselves insurgents, and, it is supposed, murdered him, for he has never been heard of since. His offense was accepting office under the United States Government."

Lieut. Richard P. Cordill, Thirty-third Infantry, U. S. Volunteers, reported from Santo Domingo, under date of December 19, 1900, that the acting presidente of that municipality was assaulted and badly injured with bolos.

Maj. Wm. A. Shunk, Thirty-fourth Infantry, U. S. Volunteers, reported under date of December 24, 1900, from Piddig, that 2 natives had been assassinated for openly expressing their sympathy with the American cause within the limits of that jurisdiction.

Captain Grant, Forty-eighth Infantry, U. S. Volunteers, reported on December 20, 1900, from Rosario, that 2 natives, 1 a presidente, had been assassinated, and 2 natives, 1 likewise a presidente, had been assaulted.

Lieut. Wm. H. Allen, Forty-eighth Infantry, U. S. Volunteers, reported from Bangar, on December 22, 1900, that 9 natives had been assassinated, and 30 persons or more assaulted for suspected sympathy and assistance rendered the American cause. Three of those killed and 2 of those assaulted were municipal officers.

The following is a summary of the answers made by the several commanders of stations in the Third district, Department of Northern Luzon:

Natives assassinated for sympathizing with Americans	106
Natives assaulted for sympathizing with Americans	131
Assassination of municipal officers	11
Assaults upon municipal officers	15

The following extracts are quoted from the reports of the station commanders above referred to:

Lieut. W. N. Hughes, jr., Thirteenth Infantry, Alava, P. I., under date of December 21, 1900, states that while no natives had been assassinated, 6 persons were sequestered in September, 1900, and that they had not been heard of since then. Two of this number were municipal officers. He further states that the presidente, tieniente of police, and secretaries would undoubtedly have been killed if they had not been rescued by a squad of soldiers twenty minutes after their capture. When rescued they were securely bound and were preparing to be hacked with talihones and buried alive, because they had surrendered three rifles to us and were considered friendly with us. The other two municipal officers, who were sequestered September, 1900, have never been heard from.

John W. Bubb, lieutenant-colonel Twelfth Infantry, writes from Tarlac, P. I., under date of December 19, 1900, as follows:

"It is believed that there have been many cases of assault and even killing of natives by others for real or suspected friendship to the Americans in this subdistrict. But conditions that existed in the past and still exist in a large measure prevent our having knowledge on the subject. Fear is the predominating element of control over natives, and insurgents, ladrones, and their sympathizers exercise it to such an extent over neutral and friendly natives that information of misdeeds is very hard to obtain."

Lieut. George H. Shields, Twelfth Infantry, provost marshal, Tarlac, P. I., under date of December 18, 1900, states that while it has been impossible for him to obtain any actual information owing to the short time since the Twelfth Infantry occupied the pueblo of Tarlac, from hearsay 3 natives have been assaulted for suspected sympathy and assistance rendered to the American cause.

The commanding officer at Cuyapo states that "no natives are known to have been assassinated for friendship to the United States; 1 has disappeared, and it is rumored that he has been assassinated for that reason."

Capt. R. K. Evans, Twelfth U. S. Infantry, commanding at Moncada, reports that Presidente Placido Cuclapian was fired on by Gregorio Vallerio November 11, 1900, presumably because Cuclapian held office under the American Government.

Maj. J. W. Duncan, Thirteenth Infantry, commanding at Binalonan, under date of December 29, 1900, reports that 2 natives who acted as guides to part of General Lawton's command from Binalonan to Pozzorrubio, November, 1899, and 4 natives, in February last, who depended upon Americans to protect them in refusing to contribute supplies to a so-called insurgent band, had been assassinated.

He also states that 1 native was killed and 1 left for dead by a band of outlaws, who accused the 2 of being spies to the Americans.

He further states as follows: "When the 4 natives were killed, in February, as above noted, assault was made on the people in a cluster of houses in the barrio of Aruas. While the band of insurrectos seemed to want to kill the men, only they beat a number of women, probably in the endeavor to get them to tell where their husbands were."

Lieut. Hector A. Rochiben, Thirteenth Infantry, commanding at Mangaldan, reports, under date of December 29, 1900, as follows: "Although no absolute proof, 5 of the people murdered in the town since the American occupation are supposed to have been murdered for suspected sympathy or assistance to the American cause."

Capt. Edgar W. Howe, commanding at Camiling, Tarlac, reports that in addition to the 13 natives given as assassinated, 5 disappeared because of suspected sympathy to the American cause, and that 2 members of the police force had also disappeared.

Capt. Robert W. Barnett, commanding at San Jacinto, reports, under date of December 31, 1900, that in addition to 5 natives murdered for sympathy to the American cause, 2 were carried away and heard from no more.

Of the 2 persons assassinated at Cabangan, 1 was a municipal officer and the other was a member of the police force, while 1 of those assaulted was a sergeant of police.

Reports from the Fourth district, Department of Northern Luzon, show:

Natives assassinated for sympathy with Americans	7
Natives assaulted for sympathy with Americans	16
Municipal officers assaulted	3

The following extracts from reports covering this district give the details:

Maj. Joseph Wheeler, jr., Thirty-fourth Infantry, reports from Capan, under date of December 28, 1900, that 1 man had been held a prisoner by the insurgents on account of sympathy with or assistance rendered Americans.

Lieut. L. L. Deitrick, Thirty-fourth Infantry, reports from Penaranda, under date of December 18, 1900, that the alcalde of the pueblo was assaulted for suspected sympathy with Americans.

Capt. R. L. Hamilton, Twenty-second U. S. Infantry, reports from San Antonio, under date of December 26, 1900, that the following-named natives have been assassinated for suspected sympathy and assistance rendered the American cause: Alvina Pas, Balthazar Nasa, Luncinda Villaforte, Emiterio Romero. He also reports that 13 natives had been assaulted for the same reason.

Lieut. L. A. Curtis, Twenty-second U. S. Infantry, reported from Santa Rosa, under date of December 31, 1900, that since his arrival at that place, September 29, 1900, none had been killed, but that "the vice-presidente of the pueblo was taken from his house one night in November and dragged several miles into the country by masked men and harshly treated. This was because of refusal to contribute funds and of loyalty to the Americans."

Lieut. David P. Wheeler, Twenty-second Infantry, reporting from the post of Jaen, Neuva Ecija Province, under date of December 23, 1900, states: "There have been two natives assassinated in this vicinity for assistance rendered to the American cause."

Capt. J. F. Kreps, Twenty-second U. S. Infantry, under date of December 23, 1900, reports from San Isidro: "Eduardo Bantug disappeared about one month ago, and it is now believed that he has been assassinated for suspected sympathy with the Americans."

The following is a summary of the answers made by the several commanders of stations in the fifth district, Department of Northern Luzon:

Natives assassinated for sympathizing with Americans.....	77
Natives assaulted for sympathizing with Americans.....	36
Assassination of municipal officers.....	17
Assaults upon municipal officers.....	6

The following extracts are quoted from the reports of the station commanders above referred to:

Lieut. R. R. Stogsdall, Third Infantry, commanding at Lolomboy, reports under date of December 10, 1900, that the presidente of Bocaze was assassinated on account of his sympathy with the Americans.

Capt. A. Williams, Third Infantry, commanding at San Fernando, reports under date of December 12, 1900, that the alcalde of Angeles, Florentina Paminapuan, a rich man, had been formerly carried away and required to pay a ransom of 9,000 pesos.

Capt. W. C. Buttler, Third Infantry, commanding at Apalit, reports under date of December 11, 1900, that 2 natives, Francisco Salaveria and Telesforo Ponce, were assassinated for suspected sympathy and assistance to the American cause. These men, he states, had given information against the insurgents and thieves to the commanding officer of the United States troops

Lieut. J. T. Moore, Third Infantry, commanding at Maycauayan, reports under date of December 10, 1900, that "two natives who acted as guides for American troops of this place disappeared afterwards, one in April and the other September 25, this year, and rumors indicate that they were killed."

Lieut. John M. Shook, Twenty-second Infantry, commanding at Pilar, reports under date of December 11, 1900, that in addition to the one native reported assassinated, one had been kidnapped and that one native policeman had been assassinated.

Major C. E. Cabell, commanding at Dinalupigan, Batann, under date of December 13, reports as follows:

"There have been natives assassinated for suspected sympathy and assistance rendered to the American cause within jurisdiction of this post according to my best information, though the following natives have disappeared from this post and it is believed they were forcibly taken away by insurgents: Roman Mendoza, barrio Dagat Dagatanm, disappeared while searching for a cannon in mountains April 28, 1900; Alejandro de la Cruz, Dinalupigan, disappeared while acting as messenger to Balanga, September 7, 1900; Vicente Lapan, telegraph lineman, disappeared December 2, 1900, having gone ahead of detail contrary to orders."

Captain Griffith, commanding at Hermosa, reports under date of December 16, that of the 6 natives reported assaulted, 2 of them were captured and have never since been heard from, and that of the 3 persons reported assassinated, 2 were policemen, and the third was a son of a policeman and a boy.

The two natives reported assaulted by Capt. W. R. Standiford, Forty-first Infantry, commanding at Bacolor, were named Ignacio Mendoza, barrio de Concepcion, and Benito de Jesus, barrio de Patrerio.

Capt. John H. Boston, jr., Forty-first Infantry, commanding at Magalang, under date of December 15, 1900, reports as follows:

"Pedro Perez, killed by soldiers of Elias Pacson, at barrio Dapdap, about June 15, 1900. Angel Torres, killed at barrio Bical, about August 10, 1900, by soldiers of Gregorio Lasamani. Domingo Suma, killed at barrio San Jose Molina, about November 8, 1900, by Lorenzo Camaya. None of these natives were municipal officers, but were killed for giving information."

Capt. Fred L. Davidson, Forty-first Infantry, commanding at Santa Ana, reports under date of December 12, 1900, that "in the month of January, 1900, Alberto Borja, a native, was killed in San Pablo, a barrio of the municipality, by parties unknown, for being suspected of spying in interest of the United States forces." He further reports that "in January, 1900, Inocencio Cunanan and son, Felipi Cunanan, natives of Santa Ana, who were working in Lackmit, barrio of Arayat, were taken to the mountains by Lieut. Eurojio Gamboa (now dead) by General Alejandrino's order and assaulted for being suspected of spying in the interest of United States forces. In April, 1900, Leoncio de Onjio, lieutenant, of San Pablo, was assaulted by Major Camaya, in San Pablo, a barrio of this municipality, for being suspected of spying in interest of United States forces. In June, 1900, Angel Lancangan, lieutenant, of barrio San Jose, was taken to the house of Alejandrino and then to Mount Arayat, where he was threatened with death until he paid the sum of \$1,500 Mexican currency. Lancangan paid this amount to escape death and was then liberated."

Capt. T. C. Siviter, Forty-first Infantry, commanding at Mexico, reports under date of December 16, 1900, that in addition to those reported as assassinated and assaulted "there may have been more, and probably were, as it is commonly reported that Camaia has killed and robbed a great many natives, though those reported are all that can be traced back to the reason given."

Capt. James Clark, Forty-first Infantry, commanding at Candaba, reports under date of December 11, 1900, in answer to the first question, as follows:

"First. Two men have disappeared; both were friendly to Americans, one being the father of an interpreter and the other a policeman. No trace of either has been found. The body of one woman with the throat cut was found in the river. She was known to be friendly to the Americans."

The commanding officer, sixth district, Department of Northern Luzon, transmitted reports from that district, showing:

Natives assassinated for sympathy with the American cause.....	14
Natives assaulted for sympathy with the American cause.....	3
Municipal officer assassinated.....	1

The following extracts from reports from this district give the details:

Lieut. Col. John H. Beacom, Forty-second Infantry, U. S. Volunteers, reported under date of December 15, 1900, from Malabon, stating: "Seven natives had been assassinated and two assaulted." He adds: "I am of the opinion that there have been many cases of assault that were not reported."

Capt. D. T. E. Casteel, Twenty-seventh Infantry, U. S. Volunteers, reported from Montalban, under date of December 15, 1900, regarding those assassinated for sympathy with the Americans: "None definitely. One probably, he having disappeared after acting as guide."

Capt. C. S. Burns, Forty-second Infantry, U. S. Volunteers, reported on December 11, 1900, from San Felipe, that a native named Bengino was assassinated early in 1899.

Lieut. Charles H. Roessing, Forty-second Infantry, U. S. Volunteers, on December 18, 1900, reported from Taytay that 1 native had been assassinated and 1 assaulted for sympathy with the Americans or assistance rendered them.

Col. Albert S. Cummins, Twenty-seventh Infantry, U. S. Volunteers, reported under date of December 14, 1900, from San Mateo:

"Number killed 5. Victorino Rodriguez and Gregorio del Rosario, natives of San Mateo, were suspected of being in the American secret service. They disappeared in March, 1899. It was afterwards learned that they were killed by the insurgents in the hills north from Montalban where they had gone to look after some of their land. Euaristo Soto, native of province of North Ilocos, killed about February, 1900, for suspected sympathy with American cause. Señor José Monojan and Marcelo Cayetano, his servant, were killed near San Mateo in March, 1900. It is not positively known, but it is believed they were killed for being friendly with the Americans. Of the killed Señor José Monojan was the vice-presidente of San Mateo."

NOTE.

The remainder of this document, consisting of Exhibit G, part 2, Trials of Filipinos by Military Commission for cruelty against Filipinos January 1, 1900, December 31, 1901, and Exhibit G, part 3, Trials of Filipinos by Military Commission for cruelty against soldiers January 1, 1900, December 31, 1901, will be printed as Senate Document 205, part 2.



CHARGES OF CRUELTY, ETC., TO THE NATIVES OF THE PHILIPPINES.

LETTER FROM THE SECRETARY OF WAR RELATIVE TO THE REPORTS AND CHARGES IN THE PUBLIC PRESS OF CRUELTY AND OPPRESSION EXERCISED BY OUR SOLDIERS TOWARD NATIVES OF THE PHILIPPINES.

FEBRUARY 19, 1902.—Ordered to be printed as a document.

[CONTINUED.]

EXHIBIT G.

(Part 2.)

*Trials of Filipinos by military commission for cruelty against Filipinos—January 1, 1900–
December 31, 1901.*

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 13, 1900.

General Orders, No. 5.

I. Before a military commission which convened at Tarlac, P. I., March 16, 1900, pursuant to paragraph 1, Special Orders, No. 33, February 2, 1900, Headquarters Department of the Pacific and Eighth Army Corps, and of which Lieut. Col. Charles F. Robe, Seventeenth United States Infantry, was president, and Capt. Frank L. Dodds, Ninth United States Infantry, was judge-advocate, were arraigned and tried: Silvestre Tarug, a native; Joaquin Pider, a native; and Pascual Gutierrez, a native.

Charge I.—“Murder” (four specifications).

Charge II.—“Robbery” (four specifications).

PLEAS.—To the charges and specifications the accused, and each of them, pleaded “not guilty.”

FINDINGS.—Of specification 1, charge I, “guilty,” except the words “shooting,” “a rifle,” and “Silvestre Tarug,” substituting therefor the words “cutting and stabbing,” “bolos,” and “Joaquin Pider and Pascual Gutierrez;” of the excepted words, “not guilty,” of the substituted words, “guilty.”

Of specification 2, charge I, “guilty,” except the words “a bolo,” and substituting therefor the word “bolos,” and inserting after the words “Joaquin Pider” the words “and Pascual Gutierrez;” of the excepted words “not guilty,” of the substituted and inserted words, “guilty.”

Of specification 3, charge I, “guilty,” except the words “a bolo,” and substituting therefor the word “bolos,” and inserting after the words “Pascual Gutierrez” the words “Joaquin Pider;” of the excepted words “not guilty,” of the substituted word and inserted words “guilty.”

Of specification 4, charge I, “guilty,” except the words “shooting and” and “rifles and;” of the excepted words “not guilty.”

Of charge I, “guilty.”

Of specifications 1 and 2, charge II, “not guilty.”

Of specification 3, charge II, “guilty.”

Of specification 4, charge II, “guilty,” except the words “Emilio Asuncion,” substituting therefor the words “Olimpia Cortes;” of the excepted words “not guilty,” of the substituted words, “guilty.”

Of charge II, “guilty.”

SENTENCE.—And the commission does therefore sentence Joaquin Pider and Pascual Gutierrez, natives, and each of them, “to be hanged by the neck until each of them be dead, at such place and time as the reviewing authority may direct, two-thirds of the members concurring therein;” and Silvestre Tarug, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for twenty years.”

II. In the foregoing cases of Silvestre Tarug, Joaquin Pider, and Pascual Gutierrez, natives, the evidence shows that these three accused, with a band of Negritos, armed with a rifle, bolos, and bows and arrows, entered the barrio of Dayadac, pueblo of O'Donnell, province of Tarlac, P. I., on or about February 16, 1900, and murdered seven natives, including one woman. The established motive of the crime was robbery. The two accused who have received sentences of death, Joaquin Pider and Pascual Gutierrez, are shown by the evidence to have tied up two of the victims of this murderous assault, and, compelling them to lie on the ground, chopped them with bolos, in this way causing their death. The third accused, Silvestre Tarug, who has received sentence of imprisonment for twenty years, is shown to have been present with this band, aiding and abetting these murders.

The remarks of the reviewing authority in the case of Antonio Morales and Faustino Gonzalez, published in General Orders, No. 16, March 8, 1900, Headquarters Department of the Pacific and Eighth Army Corps, apply in this case. The crimes alleged were committed by a band of native outlaws against fellow-natives and under circumstances of peculiar atrocity, unworthy of even a moderate degree of civilization.

The sentences are approved. The sentences of death by hanging, awarded Joaquin Pider and Pascual Gutierrez, will be duly executed at the pueblo of O'Donnell, province of Tarlac, P. I., on April 27, 1900, under the direction of the commanding general of the Department of Northern Luzon. The sentence of confinement, awarded Silvestre Tarug, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 28, 1900.

General Orders, No. 10.

Before a military commission which convened at Bautista, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 33, February 2, 1900, Headquarters Department of the Pacific and Eighth Army Corps, and of which Lieut. Col. Charles F. Robe, Seventeenth U. S. Infantry, was president, and Capt. Frank L. Dodds, Ninth U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Marcelino Curameng, Pedro Funtanez, Julio Bautista, and Alipio de la Cruz, natives.

CHARGE.—“Highway robbery” (one specification).

PLEAS.—To the charge and specification, “Not guilty.”

FINDINGS.—Of the charge and specification, “Not guilty.”

And the commission does therefore “acquit them, Marcelino Curameng, Pedro Funtanez, Julio Bautista, and Alipio de la Cruz, natives, and each of them.”

In the foregoing case of Marcelino Curameng, Pedro Funtanez, Julio Bautista, and Alipio de la Cruz, natives, the acquittals are approved. The prisoners will be released from custody.

II. Fortunato de la Peña, native.

CHARGE.—“Highway robbery” (one specification).

PLEAS.—To the charge and specification, “Not guilty.”

FINDINGS.—Of the charge and specification, “Not guilty.”

And the commission does therefore “acquit him, Fortunato de la Peña, native.”

In the foregoing case of Fortunato de la Peña, native, the acquittal is approved. The prisoner will be released from custody.

III. Ramon Basa and Feliciano Mallari, natives.

CHARGE I.—“Kidnaping and maltreating a fellow-native” (one specification).

CHARGE II.—“Assault and battery with intent to kill” (one specification).

PLEAS.—To the charges and specifications, “Not guilty.”

FINDINGS.—Of the charges and specifications, “Guilty.”

SENTENCE.—And the commission does therefore sentence them, Ramon Basa and Feliciano Mallari, and each of them, “to be confined under guard at hard labor, at such place as the reviewing authority may direct, for five years.”

In the foregoing case of Ramon Basa and Feliciano Mallari, natives, the sentences are confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

IV. Francisco Naguit, Alejo Gonzales, and Gregorio Gonzales, natives.

CHARGE.—“Assault and battery with intent to kill” (one specification).

PLEAS.—To the charge and specification, “Not guilty.”

FINDINGS.—Of the charge and specification, “Guilty.”

SENTENCE.—And the commission does therefore sentence them, Francisco Naguit, Alejo Gonzales, and Gregorio Gonzales, natives, and each of them, “to be confined under guard at hard labor for five years, at such place as the reviewing authority may designate.”

In the foregoing case of Francisco Naguit, Alejo Gonzales, and Gregorio Gonzales, natives, the sentences are confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 2, 1900.

General Orders, No. 11.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 33, February 2, 1900, Headquarters Department of the Pacific and Eighth Army Corps, and of which Lieut. Col. Charles F. Robe, Seventeenth U. S. Infantry, was president, and Capt. Frank L. Dodds, Ninth U. S. Infantry, was judge-advocate, was arraigned and tried Gabriel Cayaban, a native.

CHARGE I.—“Combining and conspiring with guerrillas, contrary to the laws and usages of war” (three specifications).

CHARGE II.—“Misconduct in office as president of a pueblo under civil government established by United States military authorities in the Philippine Islands” (one specification).

PLEA.—To the charges and specifications the accused pleaded “not guilty.”

FINDINGS.—Of specification 1, charge I, “not guilty;” of specification 2, charge I, “guilty;” of specification 3, charge I, “not guilty;” of charge I, “guilty;” of the specification, charge II, “guilty, except the words ‘and giving information to,’ and of the excepted words, not guilty;” of charge II, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Gabriel Cayaban, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for five years, and to be fined in the sum of \$2,000, Mexican money.”

In the foregoing case of Gabriel Cayaban, native, the sentence is confirmed and will be duly executed; so much thereof as relates to confinement at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 3, 1900.

General Orders, No. 12.

Before a military commission which convened at Iloilo, Panay, P. I., pursuant to paragraph 1, Special Orders, No. 66, March 7, 1900, Headquarters Department of the Pacific and Eighth Army Corps, and of which Col. Edmund Rice, Twenty-sixth Infantry, U. S. Volunteers, was president, and Capt. Dana R. Weller, Forty-fourth Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

I. Victoriano Salamandin, a native.

CHARGE I.—“Robbery” (two specifications).

CHARGE II.—“Murder” (one specification).

PLEAS.—To the charges and specifications, “not guilty.”

FINDINGS.—Of the first specification, first charge, “guilty, excepting the words ‘7000,’ substituting therefor the words ‘9000;’ of the excepted words, not guilty, and of the substituted words, guilty; and also excepting the word ‘unknown,’ substituting therefor the words ‘about seven hundred dollars, Mexican money;’ of the excepted

word, not guilty, and of the substituted words, guilty." Of the second specification, first charge, "not guilty." Of the first charge, "guilty." Of the specification, second charge, "not guilty." Of the second charge, "not guilty."

SENTENCE.—And the commission does therefore sentence him, the said Victoriano Salamandin, "To be confined at hard labor for ten years, at such place as the reviewing authority may direct."

In the foregoing case of Victoriano Salamandin, native, the sentence is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

II. Andres Simpia, native.

CHARGE I.—"Robbery" (two specifications).

CHARGE II.—"Murder" (one specification).

PLEAS.—To the charges and specifications, "not guilty."

FINDINGS.—Of the first specification, first charge, "guilty, except the words '7000,' substituting therefor the words '9000,' of the excepted words, not guilty, and of the substituted words, guilty; and also excepting the word 'unknown,' substituting therefor the words 'about seven hundred dollars in Mexican money,' of the excepted word not guilty, and of the substituted words, guilty." Of the second specification, first charge, "not guilty." Of the first charge, "guilty." Of the specification, second charge, "not guilty." Of the second charge, "not guilty."

SENTENCE.—And the commission does therefore sentence him, the said Andres Simpia, "To be confined at hard labor for ten years, at such place as the reviewing authority may direct."

In the foregoing case of Andres Simpia, native, the sentence is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

III. Guillermo Sumavon, a native.

CHARGE I.—"Robbery" (two specifications).

CHARGE II.—"Assault with a deadly weapon" (one specification).

CHARGE III.—"Murder" (one specification).

PLEAS.—To the charges and specifications, "not guilty."

FINDINGS.—Of the first specification, first charge, "guilty, except the words '7000,' substituting therefor the words '9000,' of the excepted words, not guilty, and of substituted words, guilty, and also excepting the word 'unknown,' substituting therefor the words 'about seven hundred dollars, Mexican money,' of the excepted word, not guilty, and of the substituted words, guilty." Of the second specification, first charge, "not guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty." Of the specification, third charge, "guilty." Of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, the said Guillermo Sumavon, "To suffer death by hanging at such time and place as the reviewing authority may direct; two-thirds of the members present of the commission concurring in said sentence."

In the foregoing case of Guillermo Sumavon, native, the proceedings, as herein-after indicated, findings and sentence are approved.

Due to failure in this case to extend the examination of witnesses to material points, the reviewing authority is not as fully informed as is desirable as to the conditions under which the several crimes of which the accused stands convicted were committed; and the failure of counsel to rigidly cross-examine witnesses upon points in respect of which their testimony is contradictory, and his further action in making admissions as to the testimony of an absent witness, damaging to the accused, without any affirmative showing that such action was with his consent, has resulted, it is believed, in causing the offenses committed by the accused to appear of record more heinous than facts might justify.

These considerations have induced the reviewing authority to commute the death sentence imposed by the commission to confinement at hard labor for a period of twenty (20) years, which imprisonment will be duly executed at the Presidio de Manila, to which place the prisoner will be sent, under proper guard.

IV. Cornelio Soldavilla, a native.

CHARGE I.—"Robbery" (two specifications).

CHARGE II.—"Assault with a deadly weapon" (one specification).

CHARGE III.—"Murder" (one specification).

PLEAS.—To the charges and specifications, "not guilty."

FINDINGS.—Of the first specification, first charge, "guilty, except the words '7,000,' substituting therefor the words '9,000,' of the excepted words, not guilty, and of the substituted words, guilty; and also excepting the word 'unknown,' substituting therefor the words 'about 700 dollars, Mexican money,' of the excepted word, not guilty,

and of the substituted words, guilty." Of the second specification, first charge, "not guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty." Of the specification, third charge, "guilty." Of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, the said Cornelio Soldavilla, "To suffer death by hanging, at such time and place as the reviewing authority may direct, two-thirds of the members present of said commission concurring in said sentence."

In the foregoing case of Cornelio Soldavilla, native, the proceedings except as hereinafter indicated, findings and sentence are approved.

Due to failure in this case to extend the examination of witnesses to material points, the reviewing authority is not as fully informed as is desirable as to the conditions under which the several crimes of which the accused stands convicted were committed; and the failure of counsel to rigidly cross-examine witnesses upon points in respect of which their testimony is contradictory, and his further action in making admissions as to the testimony of an absent witness, damaging to the accused, without any affirmative showing that such action was with his consent, has resulted, it is believed in causing the offenses committed by the accused to appear of record more heinous than facts might justify.

These considerations have induced the reviewing authority to commute the death sentence imposed by the commission to confinement at hard labor for a period of twenty (20) years, which imprisonment will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC AND EIGHTH ARMY CORPS,
Manila, P. I., March 8, 1900.

General Orders, No. 16.

I. Before a military commission, which convened at Bayambang, Province of Pangasinan, Luzon, P. I., February 8, 1900, pursuant to paragraph 1, Special Orders, No. 33, c. s., these headquarters, and of which Lieut. Col. Charles F. Robe, Seventeenth United States Infantry, is president, were jointly arraigned and tried Antonio Morales and Faustino Gonzales, natives.

CHARGE I.—"Murder."

Specification 1.—"In that they, Antonio Morales and Faustino Gonzales, natives, and each of them, on or about November 19, 1899, then as now a time of insurrection, at or near the barrio of Abanum, pueblo of San Carlos, Province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of forty, more or less, commanded and led by the said Morales and Gonzales, did willfully, feloniously, and with malice aforethought kill and murder one Ramon Manson, a native, by shooting him, the said Manson, with a gun, and stabbing him, the said Manson, with a bolo held in the hands of members of said band, names unknown, inflicting wounds therewith whereof he, the said Manson, then and there died. This at the times and places above specified."

Specification 2.—"In that they, Antonio Morales and Faustino Gonzales, natives, and each of them, on or about November 19, 1899, then as now a time of insurrection, at or near the barrio of Abanum, pueblo of San Carlos, Province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of forty, more or less, commanded and led by the said Morales and Gonzales, did willfully, feloniously, and with malice aforethought kill and murder one Juan Rosario by shooting him, the said Rosario, with guns held in the hands of the said Morales and Gonzales, and by stabbing him, the said Rosario, with a bolo held in the hands of a member of said band, name unknown, inflicting wounds whereof he, the said Rosario, then and there died. This at the times and places above specified."

Specification 3.—"In that they, Antonio Morales and Faustino Gonzales, natives, and each of them, on or about December 2, 1899, then as now a time of insurrection, at or near the barrio of Camato, pueblo of San Carlos, Province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of forty, more or less, commanded and led by the said Morales and Gonzales, did willfully, feloniously, and with malice aforethought, kill and murder Gregorio Mayor, Vicente Parlan, Feliciano

Velasques, and Mariano Macalaig, natives, by shooting them, the said Mayor, Parlan, Velasques, and Macalaig, with guns and by stabbing them, the said Mayor, Parlan, Velasques, and Macalaig, with bolos held in the hands of members of said band, names unknown, inflicting wounds therewith whereof they, the said Mayor, Parlan, Velasques, and Macalaig, then and there died. This at the times and places above specified."

CHARGE II.—"Robbery."

Specification 1.—"In that they, Antonio Morales and Faustino Gonzales, natives, and each of them, on or about November 19, 1899, then as now a time of insurrection, at or near the barrio of Abanum, pueblo of San Carlos, Province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of forty, more or less, commanded and led by the said Morales and Gonzales, did feloniously and forcibly take from the presence of Señora Antonina Garcia, native, a quantity of money, jewelry, and other valuables, value unknown, the property of the said Antonina Garcia. This at the times and places above specified."

Specification 2.—"In that they, Antonio Morales and Faustino Gonzales, natives, and each of them, on or about December 2, 1899, then as now a time of insurrection, at or near the Barrio of Cacumbayan, Pueblo of San Carlos, Province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of forty, more or less, commanded and led by the said Morales and Gonzales, did feloniously and forcibly take from the presence of Senora Gregoria Abuya, native, a quantity of money, jewelry and other valuables, value unknown, the property of the said Gregoria Abuya. This at the times and places above specified."

To which charges and specifications the accused, Antonio Morales and Faustino Gonzales, and each of them, pleaded as follows: To the first specification, first charge, "not guilty." To the second specification, first charge, "not guilty." To the third specification, first charge, "not guilty." To the first charge, "not guilty." To the first specification, second charge, "not guilty." To the second specification, second charge, "not guilty." To the second charge, "not guilty."

FINDINGS.—The commission, having maturely considered the evidence adduced, finds the accused, Antonio Morales and Faustino Gonzales, and each of them, of the first specification, first charge, "guilty," except the word "Abanum," substituting the word "Magtaquin," and of the excepted word "not guilty" and of the substituted word "guilty." Of the second specification, first charge, "guilty." Of the third specification, first charge, "guilty," except the word "Camato," substituting the word "Gamato," and of the excepted word "not guilty" and of the substituted word "guilty." Of the first charge, "guilty." Of the first specification, second charge, "guilty." Of the second specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Antonio Morales and Faustino Gonzales, natives, and each of them, "to be hung by the neck until they, and each of them, be dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

II. The proceedings and findings in the foregoing case of Antonio Morales and Faustino Gonzales, natives, are approved.

The record discloses that the accused were furnished counsel by the Government and were accorded in all respects a fair and impartial trial. The testimony of many witnesses, called at their instance, was heard, and the accused themselves made statements to the commission.

The evidence abundantly establishes the allegations of the charges, with unimportant exceptions, which have been duly recorded, and reveals the accused as leaders of a band of armed native outlaws engaged in the commission of crimes against fellow-natives of the islands under circumstances of peculiar atrocity, unworthy of even a moderate degree of civilization. No circumstance was developed upon the trial which even suggests clemency, and the commanding general is of the opinion that the extreme penalty of the law adjudged by the commission must be confirmed.

The sentences are approved and will be duly executed at the Pueblo of San Carlos, Province of Pangasinan, P. I., March 30, 1900, under the direction of the commanding general, Second Division, Eighth Army Corps.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

HDQRS. DEPARTMENT OF THE PACIFIC AND EIGHTH ARMY CORPS,
Manila, P. I., March 14, 1900.

General Orders, No. 17.

I. Before a military commission which convened at San Fernando, province of Pampanga, island of Luzon, Philippine Islands, February 17, 1900, pursuant to paragraph 1, Special Orders, No. 33, c. s., these headquarters, and of which Lieutenant-Colonel Charles F. Robe, 17th U. S. Infantry, was president, and Captain Frank L. Dodd, 9th U. S. Infantry, was judge-advocate, was arraigned and tried Diego Matias, a native.

CHARGE I.—“Burglary, in violation of the laws and usages of war.”

Specification.—“In that said Diego Matias, with other persons unknown, did, in time of insurrection, then and there being and within the territory occupied by the armed forces of the United States, feloniously and burglariously break and enter the dwelling house of Tong Kim, Maria Solamente, his wife, and Ching Apio, in the nighttime, with intent to commit a felony, to wit, larceny of the money, goods, and chattels of the said Tong Kim, Maria Solamente, his wife, and Ching Apio. This in the barrio of Alua, San Isidro, Luzon, P. I., on the 14th day of January, 1900.”

CHARGE II.—“Robbery, in violation of the laws and usages of war.”

Specification.—“In that said Diego Matias, with other persons unknown, did, in time of insurrection, then and there being and within the territory occupied by the armed forces of the United States, feloniously and forcibly take and steal from the persons of Tong Kim, Maria Solamente, his wife, and Ching Apio, and in the presence of each of them, the sum of two hundred and fifty (250) pesos in silver and currency, and did carry away and appropriate to his own use said two hundred and fifty (250) pesos. This at the barrio of Alua, San Isidro, Luzon, P. I., on the 14th day of January, 1900.”

CHARGE III.—“Assault and battery, in violation of the laws and usages of war.”

Specification 1.—“In that the said Diego Matias, with other persons unknown, did, in time of insurrection, then and there being and within the territory occupied by the armed forces of the United States, feloniously and willfully assault one Tong Kim, and did bind him with a rope and otherwise beat, bruise, wound, and illtreat him, the said Tong Kim. This at the barrio of Alua, San Isidro, Luzon, P. I., on the 14th day of January, 1900.”

Specification 2.—“In that said Diego Matias, with other persons unknown, did, in time of insurrection, then and there being and within the territory occupied by the armed forces of the United States, feloniously and willfully assault one Ching Apio, and did strike him, the said Ching Apio, with his fists, and did otherwise beat, bruise, wound, and illtreat him, the said Ching Apio. This at the barrio of Alua, San Isidro, Luzon, P. I., on the 14th day of January, 1900.”

PLEA.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.” To the first specification, third charge, “not guilty.” To the second specification, third charge, “not guilty.” To the third charge, “not guilty.”

FINDING.—Of the specification, charge 1, “Guilty,” with the exception of the words and figures, “the 14th,” substituting the words, “or about the 14th,” of the excepted words “not guilty,” of the substituted words “guilty.” Of the first charge, “guilty.” Of the specification, charge 2, “guilty,” with the exception of the words and figures, “the 14th,” substituting the words “or about the 14th,” of the excepted words “not guilty,” of the substituted words “guilty.” Of the second charge, “guilty.” Of the first specification, charge 3, “not guilty.” Of the second specification, charge 3, “guilty,” with the exception of the word “fists,” substituting therefor the word “bolo,” and with the exception of the words “beat, bruise, wound, and,” of the excepted words “not guilty,” and of the substituted word “guilty.” Of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Diego Matias, citizen and resident of barrio Alua, San Isidro, Luzon, P. I., “to be confined at hard labor for ten (10) years at such place as the reviewing authority may direct.”

II. In the foregoing case of Diego Matias, the evidence adduced was not sufficient to prove the crime of burglary, and the findings of the commission thereon are disapproved. Subject to this exception the proceedings and findings are approved.

The sentence is approved and will be duly executed. Bilibid military prison, Manila, P. I., is designated as the place of confinement, to which place the prisoner will be sent under proper guard.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., May 17, 1900.

General Orders, No. 21.

Before a military commission which convened at Calamba, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 48, Headquarters Department of the Pacific and Eighth Army Corps, February 17, 1900, and of which Lieut. Col. Edward B. Pratt, Forty-sixth Infantry U. S. Vols., was president, and Capt. Charles R. Howland, Twenty-eighth Infantry U. S. Vols., was judge-advocate, was arraigned and tried Januario Francisco, a native.

CHARGE I. "Murder" (one specification).

CHARGE II. "Illegal warfare" (one specification).

Pleas.—To the specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "guilty, except the words 'and who did proclaim that he, the accused, would kill Tagalos who accepted positions under the Americans within three days after such acceptance,' of the excepted words, not guilty." To the second charge, "not guilty."

Findings.—Of the charges and specifications, "guilty."

Sentence.—And the commission does therefore sentence him, Januario Francisco, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Januario Francisco, native, it appears that the murder alleged in charge one and its specification was committed by three persons, formerly soldiers in the insurgent army and now members of a guerrilla organization operating around Santa Cruz, and in pursuance of a written order from an insurgent leader signing himself "El Gral. Jefe P. M., Juan Cailles;" that said order was directed to and received by two officers of said guerrilla force, the accused and one Marino, each of them holding the rank of first lieutenant; that about twenty-four hours before the murder was committed the accused was apprehended and put in prison at Santa Cruz, where he was at the time of the killing, while the other lieutenant was still at large and free to execute the order. While the accused may have been an accessory before the fact to the murder, even that is not proven with that degree of certainty which the law requires. The evidence of record leaves within reason an hypothesis that the other lieutenant and men under him may have effected the murder independently of the accused. For this reason the finding to the first charge is disapproved.

There is no doubt as to the correctness of the finding of guilty of the second. It is therefore approved. The sentence is confirmed but is commuted to twenty (20) years' imprisonment at hard labor, which will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,

Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., May 17, 1900.

General Orders, No. 22.

Before a military commission which convened at Batangas, province of Batangas, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 81, Headquarters Department of the Pacific and 8th Army Corps, March 26, 1900, and of which Col. George S. Anderson, Thirty-eighth Infantry, U. S. Vols., was president, and Capt. John S. Powell, Thirty-eighth Infantry, U. S. Vols., was judge-advocate, was arraigned and tried Angel Padua, a native.

CHARGE.—"Murder" (one specification).

PLEAS.—To the charge and specification, "not guilty."

FINDINGS.—Of the charge and specification, "guilty."

SENTENCE.—And the commission does therefore sentence him, Angel Padua, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for twenty (20) years."

In the foregoing case of Angel Padua, native, it appears that when the prosecution rested no evidence which incriminated the accused had been adduced. The accused was then, at his own request, duly sworn as a witness and himself furnished the testimony upon which the conviction in this case is based. This evidence was elicited by questions asked the accused by his counsel, an officer of the Army detailed to act in that capacity.

The law governing the commission which tried this case accords to an accused the right to testify or not in his own behalf, and this right it is the duty of counsel to

carefully guard; it was especially his duty toward this accused who, by his own statement, which is not contradicted, is only 13 years of age and was presumably without information as to his rights.

Other facts of record in this case tend to palliate the offense committed and the reviewing authority is convinced that the ends of justice will be met by mitigation of the punishment adjudged to imprisonment for five (5) years. As mitigated the sentence is confirmed and will be duly executed at the Presidio de Manila, to which place the accused will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 11, 1900.

General Orders, No. 31.

Before a military commission which convened at Aparri, P. I., April 26, 1900, pursuant to paragraph 2, Special Orders, No. 79, March 24, 1900, Headquarters Department of the Pacific and Eighth Army Corps, and of which Maj. Henry C. Ward, Sixteenth U. S. Infantry, was president, and First Lieut. Guy G. Palmer, Sixteenth U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Isidoro Cesar Martin, a native.

CHARGE I.—“Robbery” (three specifications).

CHARGE II.—“Assault and battery” (one specification).

CHARGE III.—“Violating parole” (one specification).

CHARGE IV.—“Murder” (two specifications).

PLEAS.—To the first specification, first charge, “not guilty;” to the second specification, first charge, “not guilty;” to the third specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “guilty;” to the second charge, “guilty;” to the specification, third charge, “not guilty;” to the third charge, “not guilty;” to the first specification, fourth charge, “guilty;” to the second specification, fourth charge, “guilty;” to the fourth charge, “guilty.”

FINDINGS.—Of the first specification, first charge, “guilty;” of the second specification, first charge, “not guilty;” of the third specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty;” of the specification, third charge, “guilty;” of the third charge, “guilty;” of the first specification, fourth charge, “guilty;” of the second specification, fourth charge, “guilty;” of the fourth charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Isidoro Cesar Martin, native, “to be hung by the neck until he be dead, at such time and place as the reviewing authority may direct, an unanimous concurrence therein.”

In the foregoing case of Isidoro Cesar Martin, native, the evidence submitted in support of Charge I, and its first and third specifications, was mainly hearsay, and fails to sustain the findings of guilty thereunder; these findings are therefore disapproved. The written certificate which is the basis of the third charge and its specification fails to recite any explicit pledge of the accused to refrain from again engaging in hostilities, and it appearing from the record that the accused did not understand it to recite such pledge, the findings under this charge must likewise be disapproved.

To the second and fourth charges, the former alleging aggravated assault and battery and the latter murder, the accused has plead guilty. No evidence whatever was taken by the commission on these charges, and the findings of guilty thereunder and the sentence of death imposed rest solely upon the plea of the accused.

Had this plea been intelligently made it is undoubtedly true that it would have supported the findings and sentence adjudged. It is, however, the better practice, and one which has been frequently enjoined in orders, that military tribunals in connection with such plea receive and spread upon their records such evidence as may afford a knowledge of all the relevant circumstances attending the commission of the crimes alleged; this in order that the convening authority, in the exercise of his powers as reviewing officer and in the matter of clemency, may be fully advised. This course was especially incumbent in this case, where the accused, obviously a man of limited intelligence and education, was wholly unacquainted with the procedure of the tribunal before which he was tried and with the provisions of laws of war applicable to his case.

For the reasons above indicated the sentence in this case is mitigated to confinement at hard labor for the period of fifteen years. As mitigated, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

II. Leonzo Fornazier, native.

CHARGE I.—“Robbery” (two specifications).

CHARGE II.—“Assault and battery” (two specifications).

CHARGE III.—“Murder” (two specifications).

CHARGE IV.—“Violating parole” (one specification).

PLEAS.—To the first specification, first charge, “not guilty;” to the second specification, first charge, “not guilty;” to the first charge, “not guilty;” to the first specification, second charge, “not guilty;” to the second specification, second charge, “not guilty;” to the second charge, “not guilty;” to the first specification, third charge, “not guilty;” to the second specification, third charge, “not guilty;” to the third charge, “not guilty;” to the specification, fourth charge, “not guilty;” to the fourth charge, “not guilty.”

FINDINGS.—Of the first specification, first charge, “not guilty;” of the second specification, first charge, “not guilty;” of the first charge, “not guilty;” of the first specification, second charge, “guilty;” of the second specification, second charge, “guilty;” of the second charge, “guilty;” of the first specification, third charge, “not guilty;” of the second specification, third charge, “guilty;” of the third charge, “guilty;” of the specification, fourth charge, “guilty;” of the fourth charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Leonzo Fornazier, native, “To be confined at hard labor, in such penitentiary as the reviewing authority may direct, for a period of ten years.”

In the foregoing case of Leonzo Fornazier, native, the proceedings and findings are subject in the main to the comment of the reviewing authority in the case of Isidoro Cesar Martin. The sentence is confirmed and will be duly executed at the Presidio de Manila, to which point the accused will be sent, under proper guard.

III. Sinforoso Herrera, native.

CHARGE I.—“Robbery” (two specifications).

CHARGE II.—“Assault and battery” (one specification).

CHARGE III.—“Murder” (two specifications).

CHARGE IV.—“Violating parole” (one specification).

PLEAS.—To the first specification, first charge, “not guilty;” to the second specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty;” to the first specification, third charge, “not guilty;” to the second specification, third charge, “not guilty;” to the third charge, “not guilty;” to the specification, fourth charge, “not guilty;” to the fourth charge, “not guilty.”

FINDINGS.—Of the first specification, first charge, “not guilty;” of the second specification, first charge, “not guilty;” of the first charge, “not guilty;” of the specification, second charge, “not guilty;” of the second charge, “not guilty;” of the first specification, third charge, “not guilty;” of the second specification, third charge, “guilty;” of the third charge, “guilty;” of the specification, fourth charge, “guilty;” of the fourth charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Sinforoso Herrera, native, “To be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Sinforoso Herrera, native, the remarks of the reviewing authority in the case of Isidoro Cesar Martin are in the main applicable. The sentence is mitigated to confinement at hard labor for a period of ten years, and, as mitigated, will be duly executed at the Presidio de Manila, to which point the prisoner will be sent, under proper guard.

IV. Juan Pico, a native.

CHARGE.—“Murder” (one specification).

PLEAS.—To the specification, “guilty of assisting others in the killing of the Chinaman, by the order of Martin;” to the charge, “not guilty of murder, but guilty of killing the Chinaman under orders.”

FINDINGS.—Of the specification, “guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Juan Pico, native, “to be hung by the neck until he be dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Juan Pico, native, the proceedings and findings are approved. The sentence is approved, but is mitigated to confinement at hard labor for the period of five years. As thus mitigated, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent, under proper guard.

V. Segundo Luguilug, a native.

CHARGE.—“Insurrection against the Government of the United States of America” (one specification).

PLEAS.—To the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the specification, “not guilty;” of the charge, “not guilty.”

And the commission does therefore “acquit” him, Segundo Luguilug, native.

In the foregoing case of Segundo Luguilug, native, the proceedings, findings, and acquittal are approved. The accused will be released from custody.

VI. Paulo Galicia, a native.

CHARGE I.—“Treason” (one specification).

CHARGE II.—“Robbery” (two specifications).

CHARGE III.—“Assault and battery” (one specification).

CHARGE IV.—“Murder” (one specification).

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the first specification, second charge, “not guilty;” to the second specification, second charge, “not guilty;” to the second charge, “not guilty;” to the specification, third charge, “not guilty;” to the third charge, “not guilty;” to the specification, fourth charge, “not guilty;” to the fourth charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, but being forced, attach no criminality thereto;” of the first charge, “guilty, but being forced, attach no criminality thereto;” of the first specification, second charge, “not guilty;” of the second specification, second charge, “not guilty;” of the second charge, “not guilty;” of the specification, third charge, “not guilty;” of the third charge, “not guilty;” of the specification, fourth charge, “not guilty;” of the fourth charge, “not guilty.”

And the commission does therefore “acquit” him, Paulo Galicia, native.

In the foregoing case of Paulo Galicia, native, it is remarked that the findings on the first charge and specification are not in proper form. With this exception the proceedings, findings, and acquittal are approved. The accused will be released from custody.

VII. Nicomedes Paderna, a native.

CHARGE.—“Violating parole” (one specification).

PLEAS.—To the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the specification, “not guilty;” of the charge, “not guilty.”

And the commission does therefore “acquit” him, Nicomedes Paderna, a native.

In the foregoing case of Nicomedes Paderna, native, the proceedings, findings, and acquittal are approved. The accused will be released from custody.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 11, 1900.

General Orders, No. 32.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 33, Headquarters Department of the Pacific and Eighth Army Corps, February 2, 1900, and of which Lieut. Col. Charles F. Robe, Seventeenth U. S. Infantry, was president, and Capt. Frank L. Dodds, Ninth U. S. Infantry, was judge-advocate, were arraigned and tried: Buenaventura Gamboa, Cipriano Villapa, Felizardo Mariano, Nicolas Melinderas, Cipriano Saribay, and Hilario Nicolas, natives.

CHARGE.—“Murder.”

SPECIFICATION.—“In that Buenaventura Gamboa, Cipriano Villapa, Felizardo Mariano, Nicolas Melinderas, Cipriano Saribay, and Hilario Nicolas, natives, and each of them, at the barrio of Quitaquita, pueblo of Bulangao, province of Pangasinan, Luzon, in territory then as now occupied by United States troops, and at a time then as now of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder a native Macabebe, name unknown, by beating the said Macabebe with a club held in the hands of the said Nicolas Melinderas, Hilario Nicolas, and Cipriano Villapa, and by stabbing the said Macabebe with a knife held in the hands of the said Buenaventura Gamboa.

“This at the place above specified, about 5 o'clock p. m. on or about March 16, 1900.”

PLEAS.—To the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty, except the words ‘Hilario Nicolas’ and ‘Cipriano Villapa’ as they occur between the words ‘Melinderas’ and ‘and by stabbing,’ substituting therefor the words ‘Felizardo Mariano’ and ‘Cipriano Saribay,’ of the excepted words not guilty, of the substituted words guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Buenaventura Gamboa, Cipriano Villapa, Felizardo Mariano, Nicolas Melinderas, Cipriano Saribay, and Hilario Nicolas, as follows: "Buenaventura Gamboa to be hung by the neck until he be dead, at such time and place as may be designated by the reviewing authority, two-thirds of the members present concurring; Felizardo Mariano, Cipriano Saribay, and Nicolas Melinderas, and each of them, to be confined at hard labor, at such place as the reviewing authority may designate, for twenty (20) years; Cipriano Villapa to be confined at hard labor, at such place as the reviewing authority may direct, for fifteen (15) years; and Hilario Nicolas to be confined at hard labor, at such place as the reviewing authority may direct, for ten (10) years."

In the foregoing case of Buenaventura Gamboa, Cipriano Villapa, Felizardo Mariano, Nicolas Melinderas, Cipriano Saribay, and Hilario Nicolas, natives, it appears that the Macabebe, who was murdered by the defendants, was unarmed at the time, was engaged in peaceful pursuits and was going on foot along the road leading through the barrio of Quitaquit, pueblo of Bulangao, province of Pangasinan, Luzon, P. I., when suddenly he was set upon by a band composed of the accused persons, armed with knives and clubs, and of which Buenaventura Gamboa was the ringleader; that he was severely beaten and was finally stabbed to death by Buenaventura Gamboa. The said Gamboa makes no denial of the assault or of the killing, but freely admits it, stating that the deed was committed in pursuance of orders received from the vice-president of the town of Bulangao. The vice-president denies this and says that he sent no such orders. However this may be, there can be no doubt about the physical facts nor about the criminality of the deed. The sentences are, therefore, approved. The sentence of death by hanging awarded Buenaventura Gamboa will be duly executed in the barrio of Quitaquit, pueblo of Bulangao, province of Pangasinan, Luzon, P. I., on the 13th day of July, 1900, under the direction of the commanding general, Department of Northern Luzon. The sentence of twenty years confinement awarded to Felizardo Mariano, Cipriano Saribay, and Nicolas Melinderas; the sentence of fifteen years' confinement awarded Cipriano Villapa, and the sentence of ten years' confinement awarded Hilario Nicolas, will be duly executed at the Presidio de Manila, to which place the prisoners will be sent, under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 19, 1900.

General Orders, No. 33.

Before a military commission which convened at Batangas, province of Batangas, Luzon, P. I., May 10, 1900, pursuant to paragraph 3, special orders, No. 81, Headquarters Department of the Pacific and Eighth Army Corps, March 26, 1900, and of which Col. George S. Anderson, Thirty-eighth Infantry, U. S. Vols., was president, and Capt. John S. Powell, Thirty-eighth Infantry, U. S. Vols., was judge-advocate, was arraigned and tried Catalino Gihano, a native.

CHARGE.—"Assault with intent to do great bodily harm" (one specification).

PLEAS.—To the specification, "not guilty;" to the charge, "not guilty."

FINDINGS.—Of the specification, "guilty;" of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Catalino Gihano, a native, "to be confined at hard labor, at such place as the reviewing authority may direct, for five years."

In the foregoing case of Catalino Gihano, native, the proceedings and findings are approved. The sentence is confirmed, but is mitigated to confinement at hard labor for the period of two years. As thus mitigated, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 2, 1900.

General Orders, No. 42.

Before a military commission which convened at Aparri, province of Cagayan, Luzon, P. I., pursuant to paragraph 11, special orders, No. 79, Headquarters Department

of the Pacific and Eighth Army Corps, March 24, 1900, and of which Maj. Henry C. Ward, Sixteenth U. S. Infantry, was president, and Lieut. Guy C. Palmer, Sixteenth U. S. Infantry, was judge-advocate, was arraigned and tried Jacinto Ebron, a native.

CHARGE.—“Insurrection against the Government of the United States of America” (one specification).

PLEAS.—To the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Jacinto Ebron, native, “to be confined at hard labor, for the period of five years, in such penitentiary as the reviewing authority may direct.”

In the foregoing case of Jacinto Ebron, native, it appears that the accused was a member of a band of armed outlaws.

This band operated in Cagayan Province, Luzon, during the early part of this year, committing various outrages upon the natives and keeping the whole population in a constant state of terror.

The identity of the accused as a member of the band, and as having been present upon the occasion of the crime here charged, is clearly proven. The proceedings and findings were approved June 28, 1900. The sentence of confinement at hard labor for the period of five years was approved on that date and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 2, 1900.

General Orders, No. 43.

Before a military commission which convened at Laoag, province of Ilicos Norte, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 64, office of military governor of northwestern Luzon, P. I., and headquarters separate brigade, Eighth Army Corps, April 2, 1900, and of which Maj. Samuel M. Swigert, Third United States Cavalry, was president, and Lieut. Wilson G. Heaton, Thirty-fourth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Leocadio Macoco, a native.

CHARGE.—“Murder” (one specification).

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty, except the words, ‘kill and murder by striking and stabbing with a bolo,’ and for the excepted words substituting the words, ‘assist said Adriano Macoco and Ambrosio Macoco, who did kill and murder by striking and stabbing with a bolo;’ of the excepted words, ‘not guilty;’ of the substituted words ‘guilty.’” Of the charge, “guilty as accessory before and after the fact.”

SENTENCE.—And the commission does therefore sentence him, Leocadio Macoco, a native, “to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Leocadio Macoco, charged with the murder of Antonio Pobre, the evidence shows that the latter was cabeza of the barrio of Masnitac, pueblo of Pacay, Ilocos Norte, and left his home on the afternoon of February 13, 1900, to collect taxes due for personal cedulas; that at a place called Oaia he stopped in front of the house of the accused, where a party had gathered in celebration of the marriage of a native of that place, and there demanded payment for their cedulas of two of his “tributantes,” Adriano and Ambrosio Macoco, brothers and cousins of the accused, who were of the party there present; that these said that that was not the place to demand payment, that where they lived was, and declined to pay for their cedulas.

The testimony shows that after this verbal altercation the murdered man struck with his whip Adriano Macoco three times across the face and was then dragged from his horse by Adriano and Ambrosio; that while attempting to draw his bolo this was taken from him by Adriano Macoco, who struck with it Antonio Pobre, then and subsequently when the latter was lying on the ground, the blows that resulted in his death, and that, notwithstanding the evidence as to the blows with the whip by the murdered man and the attempt by him to draw his bolo—which is given either by the relatives or neighbors of the accused—his death was a cruel and deliberate murder by Adriano and Ambrosio Macoco.

The accused is found guilty as accessory before and after the fact, and though there is some technical error in such a finding, it is not deemed of such a nature as to neces-

sitate disapproval, the evidence showing that the accused uttered certain words to the principals before the commission of the crime that might have contributed thereto, and afterwards assisted the principals in carrying away and burying the body of the murdered man.

The sentence was confirmed June 29, 1900; but it appearing, upon a careful reading of the record, that the accused might not have intended that there should follow from his words and subsequent acts that which the court has found was their effect, the sentence was on that date commuted to confinement at hard labor for the period of ten years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur.

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 8, 1900.

General Orders, No. 47.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph I, Special Orders, No. 33, Headquarters Department of the Pacific and Eighth Army Corps, February 2, 1900, and of which Lieut. Col. Charles F. Robe, Seventeenth U. S. Infantry, was president, and Capt. Frank L. Dodds, Ninth U. S. Infantry, was judge-advocate, was arraigned and tried:

I. Gonzalo Manipon, Francisco Gazmen, Gregorio Salazar, Cayetano Uson, Nicanor de Lena, Agaton Aquindi, Vitaliano Salazar, Mercelino Concha, and Pedro Gaño, natives.

CHARGE.—“Murder” (one specification).

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty, except the words ‘and bolos,’ ‘wilfully, feloniously, and of malice aforethought’ and ‘and murder,’ of the excepted words, not guilty.” Of the charge, “not guilty, but guilty of manslaughter.”

SENTENCE.—And the commission does therefore sentence them, Gonzalo Manipon, Francisco Gazmen, Gregorio Salazar, Cayetano Uson, Nicanor de Lena, Agaton Aquindi, Vitaliano Salazar, Mercelino Concha, and Pedro Gaño, and each of them, “To be confined at hard labor, at such place as the reviewing authority may direct, for five years.”

In the foregoing case of Gonzalo Manipon, Francisco Gazmen, Gregorio Salazar, Cayetano Uson, Nicanor de Lena, Agaton Aquindi, Vitaliano Salazar, Mercelino Concha, and Pedro Gaño, natives, the proceedings and findings are approved. The sentence of confinement at hard labor for the term of five years awarded each of these defendants is confirmed and will be duly executed at the Presidio de Manila, to which place they will be sent under proper guard.

II. Severino Concha, native.

CHARGE.—“Instigating, ordering and procuring robbery and murder, in violation of the laws of war” (one specification).

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty, except the words ‘and procure,’ ‘procuring,’ ‘procured,’ and so procured as aforesaid,’ of the excepted words, not guilty.” Of the charge, “guilty, except the words ‘and procuring robbery and,’ inserting between the words ‘instigating’ and ‘ordering’ the word ‘and,’ of the excepted words, not guilty, of the inserted word, guilty.”

SENTENCE.—And the commission does therefore sentence him, Severino Concha, native, “To be confined at hard labor, at such place as the reviewing authority may direct, for a period of ten years.”

In the foregoing case of Severino Concha, native, the proceedings and findings are approved. The sentence is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

III. Joaquin Golingo, native.

CHARGE.—“Instigating, ordering and procuring robbery and murder, in violation of the laws of war” (one specification).

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “not guilty.” Of the charge, “not guilty.”

And the commission does therefore “acquit” him, Joaquin Golingo, native.

In the foregoing case of Joaquin Golingo, native, the proceedings, findings, and acquittal are approved. The accused will be released from confinement.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 8, 1900.

General Orders, No. 48.

Before a military commission which convened at Batangas, province of Batangas, Luzon, P. I., pursuant to paragraph 3, special orders, No. 81, Headquarters Department of the Pacific and Eighth Army Corps, March 26, 1900, and of which Col. George S. Anderson, Thirty-eighth Infantry, U. S. Vols., was president and Capt. John S. Powell, Thirty-eighth Infantry, U. S. Vols., was judge-advocate, was arraigned and tried:

I. Miliano Catapan, native.

CHARGE.—“Assault with intent to kill” (one specification).

PLEAS.—To the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the specification, “not guilty;” of the charge, “not guilty.”

And the commission does therefore “acquit” him, Miliano Catapan, native.

In the foregoing case of Miliano Catapan, native, the proceedings, findings, and acquittal are approved. The accused will be released from confinement.

II. Jose Claro de Jesus, native.

CHARGE.—“Violation of the laws of war” (two specifications).

PLEAS.—To the first specification, “not guilty;” to the second specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the first specification, “not guilty;” of the second specification, “not guilty;” of the charge, “not guilty.”

The commission does therefore “acquit” him, Jose Claro de Jesus, native.

In the foregoing case of Jose Claro de Jesus, native, the proceedings, findings, and acquittal are approved. The accused will be released from confinement.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 11, 1900.

General Orders, No. 51.

Before a military commission which convened at Laoag, Ilocos Norte, Luzon, P. I., April 26, 1900, pursuant to paragraph 2, special orders, No. 64, Office Military Governor of Northwestern Luzon and Headquarters Separate Brigade, Eighth Army Corps, April 2, 1900, and of which Maj. Samuel M. Swigert, Third U. S. Cavalry, was president and first Lieut. Wilson G. Heaton, Thirty-fourth Infantry, U. S. Vols., was judge-advocate, was arraigned and tried Cerferino Francisco, a native.

CHARGE.—“Murder” (two specifications).

PLEAS.—To the first specification, “not guilty;” to the second specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the first specification, “guilty;” of the second specification, “guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Cerferino Francisco, native, “To be hung by the neck until dead, at such time and place as the reviewing authority may direct; two-thirds of the commission concurring therein.”

In the foregoing case of Cerferino Francisco, native, there is some technical error in the findings under the first specification and under the charge, but it is not deemed of such a nature as to necessitate disapproval. The finding under the second specification is disapproved, there being no evidence to connect the accused with the commission of the acts therein charged. The sentence is confirmed but is mitigated to confinement at hard labor for the period of twenty years at Bilibid Prison, to which point the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 11, 1900.

General Orders, No. 52.

Before a military commission which convened at Aparri, province of Cagayan, Luzon, P. I., May 28, 1900, pursuant to paragraph 11, Special Orders, No. 79, Headquarters Department of the Pacific and Eighth Army Corps, March 24, 1900, and of

which Maj. Henry C. Ward, Sixteenth U. S. Infantry, was president, and First Lieut. Guy G. Palmer, Sixteenth U. S. Infantry, was judge-advocate, was arraigned and tried:

I. Graciano Dumaval, native.

CHARGE I.—“Instigating riot and ordering killing Chinese inhabitants, in violation of the laws and usages of war” (one specification).

CHARGE II.—“Robbery, in violation of the laws and usages of war” (one specification).

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except to the word ‘participate, and of the excepted word, ‘not guilty.’” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Graciano Dumaval, native, “To be confined at hard labor, in such penitentiary as the reviewing authority may direct, for three years.”

In the foregoing case of Graciano Dumaval the record discloses many irregularities, among which are to be noticed the admission of an ex parte affidavit prejudicial to the accused and numerous leading questions upon examination in chief. Even taking into consideration the objectionable testimony, the evidence of record does not overcome the presumption of innocence to which every accused person tried by military tribunal is entitled.

The proceedings, findings, and sentence are therefore disapproved and the accused will be released from custody.

II. Timoteo Picson, native.

CHARGE I.—“Robbery, in violation of the laws and usages of war” (one specification).

CHARGE II.—“Murder” (one specification).

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “not guilty.” Of the second charge, “not guilty.”

SENTENCE.—The commission does therefore sentence him, Timoteo Picson, native, “To be confined at hard labor, in such penitentiary as the reviewing authority may direct, for ten years.”

In the foregoing case of Timoteo Picson the record discloses many irregularities, among which are to be noticed the admission of an ex parte affidavit prejudicial to the accused and numerous leading questions upon the examination in chief. Even taking into consideration the objectionable testimony, the evidence of record does not overcome the presumption of innocence to which every accused person tried by a military tribunal is entitled.

The proceedings, findings, and sentence are therefore disapproved and the accused will be released from custody.

III. Domingo Danga, native.

CHARGE.—“Violations of the laws of war, in giving information to the enemy” (one specification).

PLEAS.—To the specification, “guilty.” To the charge, “guilty.”

FINDINGS.—Of the specification, “guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Domingo Danga, native, “To be confined at hard labor, in such penitentiary as the reviewing authority may direct, for one year.”

In the foregoing case of Domingo Danga, native, the proceedings and findings are approved. The sentence was confirmed on July 8, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent, under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 14, 1900.

General Orders, No. 54.

I. Before a military commission which convened at Iloilo, P. I., May 21, 1900, pursuant to paragraph 5, Special Orders, No. 29, May 17, 1900, Headquarters Depart-

ment of the Visayas, and of which Col. Edmund Rice, Twenty-sixth Infantry, U. S. Volunteers, was president, and Capt. Edwin F. Glenn, Twenty-fifth U. S. Infantry, was judge-advocate, was arraigned and tried Mariano Aguilar, alias Moro Montor, a native.

CHARGE I.—“Murder” (eight specifications).

CHARGE II.—“Assault and battery with intent to kill” (three specifications).

CHARGE III.—“Arson” (fifteen specifications).

CHARGE IV.—“Burglary” (five specifications).

CHARGE V.—“Robbery” (seven specifications).

PLEAS.—To the charges and specifications the accused pleaded “not guilty.”

FINDINGS.—Of the first specification, first charge, “guilty.” Of the second specification, first charge, “guilty.” Of the third specification, first charge, “guilty.” Of the fourth specification, first charge, “guilty.” Of the fifth specification, first charge, “guilty.” Of the sixth specification, first charge, “guilty.” Of the seventh specification, first charge, “guilty.” Of the eighth specification, first charge, “guilty.” Of the first charge, “guilty.” Of the first specification, second charge, “guilty.” Of the second specification, second charge, “guilty.” Of the third specification, second charge, “not guilty.” Of the second charge, “guilty.” Of the first specification, third charge, “guilty.” Of the second specification, third charge, “guilty.” Of the third specification, third charge, “guilty.” Of the fourth specification, third charge, “guilty.” Of the fifth specification, third charge, “guilty.” Of the sixth specification, third charge, “guilty.” Of the seventh specification, third charge, “guilty.” Of the eighth specification, third charge, “guilty.” Of the ninth specification, third charge, “guilty.” Of the tenth specification, third charge, “guilty.” Of the eleventh specification, third charge, “guilty.” Of the twelfth specification, third charge, “guilty.” Of the thirteenth specification, third charge, “guilty.” Of the fourteenth specification, third charge, “guilty.” Of the fifteenth specification, third charge, “guilty.” Of the third charge, “guilty.” Of the first specification, fourth charge, “guilty.” Of the second specification, fourth charge, “not guilty.” Of the third specification, fourth charge, “not guilty.” Of the fourth specification, fourth charge, “guilty.” Of the fifth specification, fourth charge, “guilty.” Of the fourth charge, “guilty.” Of the first specification, fifth charge, “not guilty.” Of the second specification, fifth charge, “guilty.” Of the third specification, fifth charge, “guilty.” Of the fourth specification, fifth charge, “guilty.” Of the fifth specification, fifth charge, “guilty.” Of the sixth specification, fifth charge, “guilty.” Of the seventh specification, fifth charge, “guilty.” Of the fifth charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Mariano Aguilar, alias Moro Montor, a native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct; three-fourths of the commission concurring therein.”

II. In the foregoing case of Mariano Aguilar, alias Moro Montor, native, the sentence having been approved by the department commander, is confirmed and will be duly executed at the town of Jaro, in the Province of Iloilo, Island of Panay, P. I., on the 17th day of July, A. D. 1900, under the supervision of the provost-marshal of Iloilo, P. I., as directed in orders issued by the commanding general, Department of the Visayas, on June 27, 1900.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 15, 1900.

General Orders, No. 55.

Before a military commission which convened at Aparri, province of Cagayan, Luzon, P. I., April 25, 1900, pursuant to paragraph 11, Special Orders, No. 79, Headquarters Department of the Pacific and 8th Army Corps, March 24, 1900, and of which Maj. Henry C. Ward, 16th U. S. Infantry, was president, and First Lieut. Guy C. Palmer, 16th U. S. Infantry, was judge-advocate, was arraigned and tried Manuel Littaua, native.

CHARGE I.—“Instigating riot and ordering killing of Chinese inhabitants in violation of the laws and usages of war” (one specification).

CHARGE II.—“Burglary” (one specification).

CHARGE III.—“Robbery” (one specification).

CHARGE IV.—“Relieving insurgents with arms and food, in violation of the laws and usages of war” (two specifications).

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.” To the specification, third charge, “not guilty.” To the third charge, “not guilty.” To the first specification, fourth charge, “not guilty.” To the second specification, fourth charge, “not guilty.” To the fourth charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “not guilty.” Of the first charge, “not guilty.” Of the specification, second charge, “not guilty.” Of the second charge, “not guilty.” Of the specification, third charge, “guilty.” Of the third charge, “guilty.” Of the first specification, fourth charge, “guilty.” Of the second specification, fourth charge, “guilty.” Of the fourth charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Manuel Littaua, native, “To be confined at hard labor, in such penitentiary as the reviewing authority may direct, for five years.”

In the foregoing case of Manuel Littaua, native, the commission has found the accused not guilty of charges one and two and their specifications. The findings of guilty recorded under charges three and four appear, upon careful reading of the record, to be based upon testimony largely hearsay and elicited in great part by leading questions. The reviewing authority is of the opinion that the guilt of the accused is not established with that degree of certainty which the law requires. The findings and sentence are therefore disapproved. The accused will be released from arrest.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 10, 1900.

General Orders, No. 65.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, June 25, 1900, Headquarters Department of Northern Luzon, and of which Maj. Joseph W. Duncan, Thirteenth U. S. Infantry, was president, and First Lieut. Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried Felix Bautista, a native.

CHARGE.—“Murder” (three specifications).

PLEAS.—To the first specification, “not guilty;” to the second specification, “not guilty;” to the third specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the first specification, “Guilty, except the words ‘murder and kill,’ substituting therefor the words ‘forcibly abduct,’ and excepting the words ‘by shooting him, the said Velasco, with guns and stabbing him, the said Velasco, with bolos held in the hands of said Bautista and of the said outlaws, inflicting wounds therewith whereof the said Velasco then and there died,’ of the substituted words, guilty, and of the excepted words, not guilty.” Of the second specification, “guilty, except the words ‘led by a certain Augustin Alejo,’ and excepting the words ‘murder and kill,’ substituting therefor the words, ‘forcibly abduct,’ and excepting the words ‘by shooting him, the said Malta, with guns and stabbing him, the said Malta, with bolos held in the hands of the said Bautista and of the said outlaws, inflicting wounds therewith whereof he, the said Malta, then and there died,’ of the substituted words, guilty, and of the excepted words, not guilty.” Of the third specification, “Guilty, except the words ‘murder and kill,’ substituting therefor the words ‘forcibly abduct,’ and excepting the words, ‘by shooting him, the said Mauricio, with guns, and stabbing him, the said Mauricio, with bolos held in the hands of said outlaws, inflicting wounds therewith whereof he, the said Mauricio, then and there died,’ of the substituted words, guilty, and of the excepted words, not guilty.” Of the charge, “Not guilty, but guilty of forcible abduction.”

SENTENCE.—And the commission does therefore sentence him, Felix Bautista, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years.”

In the foregoing case of Felix Bautista, native, the commission has found the accused not guilty of murder, as charged, but guilty of “forcible abduction.” Such a finding is not only not in accord with the evidence of record, but is manifestly unauthorized and illegal under the charges in the case, and is disapproved. The sentence is disapproved.

The accused will be held in confinement pending further orders in his case.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 11, 1900.

General Orders, No. 66.

Before a military commission which convened at Angeles, province of Pampanga, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 43, June 4, 1900, Headquarters Department of Northern Luzon, and of which Capt. Henry M. Andrews, First U. S. Artillery, was president, and First Lieut. Chauncey B. Humphrey, Third U. S. Infantry, was judge-advocate, was arraigned and tried:

I. Melencio Vitug, a native.

CHARGE I.—“Robbery” (one specification).

CHARGE II.—“Burglary” (two specifications).

CHARGE III.—“Lawlessness” (one specification).

CHARGE IV.—“Assault with intent to commit robbery” (one specification).

PLEAS.—To the charges and specifications, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty.” Of the first specification, second charge, “not guilty;” of the second specification, second charge, “not guilty;” of the second charge, “not guilty.” Of the specification, third charge, “guilty;” of the third charge, “guilty.” Of the specification, fourth charge, “not guilty;” of the fourth charge, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Melencio Vitug, native, “To be confined at hard labor, at such place as the convening authority may direct, for fifteen (15) years.”

In the foregoing case of Melencio Vitug, native, the accused was found guilty of “robbery” and “lawlessness.”

The word “lawlessness” is not defined in law, and the meaning of the word is too indefinite to constitute a proper charge. No such crime existing, the finding on the third charge is therefore disapproved. The proceedings and findings on the other charges are approved. The sentence is confirmed and will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

II. Andres Tolentino, a native.

CHARGE.—“Murder” (one specification).

PLEAS.—To the charge and specification, “not guilty.”

FINDINGS.—Of the specification to the charge, “guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Andres Tolentino, “To be confined at hard labor, at such place as the reviewing authority may direct, for twenty (20) years.”

In the foregoing case of Andres Tolentino, native, the proceedings and findings are approved. The sentence is confirmed and will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 11, 1900.

General Orders, No. 67.

Before a military commission which convened at Santa Cruz, province of Laguna, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 27, May 7, 1900, Headquarters Department of Southern Luzon, and of which Maj. Thomas G. Carson, Eleventh Cavalry, U. S. Volunteers, was president, and Second Lieut. Emory S. West, Eleventh Cavalry, U. S. Volunteers, was judge-advocate, was arraigned and tried Pedro Paleis, a native.

CHARGE I.—“Robbery” (two specifications).

CHARGE II.—“Assault with intent to kill” (one specification).

CHARGE III.—“Guerrilla warfare” (one specification).

PLEAS.—To the first specification, first charge, “not guilty.” To the second specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.” To the specification, third charge, “not guilty.” To the third charge, “not guilty.”

FINDINGS.—Of the first specification, first charge, “guilty, except the words, ‘his person and’ and of the excepted words not guilty.” Of the second specification, first charge, “guilty, except the words ‘his person and’ and of the excepted words not guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except the words, ‘with intent then and there to kill the said Antonio Minor and Philomon Minor’ and of the excepted words not guilty.” Of the second charge, “not guilty, but guilty of assault with intent to commit robbery.” Which

finding was disapproved by the department commander. Of the specification, third charge, "guilty." Of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Pedro Paleis, "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years."

In the foregoing case of Pedro Paleis, native, the sentence is confirmed, but is mitigated to confinement at hard labor for a period of ten (10) years, and as thus mitigated will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 11, 1900.

General Orders, No. 68.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 40, May 31, 1900, Headquarters Department of Northern Luzon, and of which Capt. Frederick S. Wild, Thirteenth U. S. Infantry, was president, and Capt. Arthur Johnson, adjutant, Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried Guillermo Espejo, a native.

CHARGE I.—"Disturbance of the peace" (one specification).

CHARGE II.—"Assault and battery with intent to do bodily harm" (one specification).

CHARGE III.—"Murder" (one specification).

PLEAS.—To the specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty." To the specification, third charge, "not guilty." To the third charge, "not guilty."

FINDINGS.—Of the specification, first charge, "guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty, except the words, 'and Pablo Beltran,' and of the excepted words not guilty." Of the second charge "guilty." Of the specification, third charge, "guilty, except the words, 'shooting them, the said Asperin, Rollan, and Beltran, with guns,' and of the excepted words not guilty." Of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Guillermo Espejo, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case of Guillermo Espejo, native, the proceedings and findings are approved. The sentence is confirmed, but is commuted to confinement at hard labor for the period of twenty (20) years, and as thus commuted will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 11, 1901.

General Orders, No. 69.

Before a military commission which convened at Batangas, province of Batangas, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 81, March 26, 1900, Headquarters Department of the Pacific and Eighth Army Corps, and of which Col. George S. Anderson, Thirty-eighth Infantry, U. S. Volunteers, was president, and Capt. John S. Powell, Thirty-eighth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Juan Buenafe, a native.

CHARGE I.—"Lurking as a spy" (one specification).

CHARGE II.—"Violation of laws of war" (one specification).

PLEAS.—To the specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty."

FINDINGS.—Of the specification, first charge, "not guilty." Of the first charge, "not guilty." Of the specification, second charge, "guilty, except the words 'prepare

bullets and other munitions of war, select and prepare places of ambuscade' and the words 'and he, the said Juan Buenafe, did secretly further advise and commit divers acts of hostility and perfidy' and of the excepted words not guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Juan Buenafe, "to be confined at hard labor, at such place as the reviewing authority may direct, for five (5) years."

In the foregoing case of Juan Buenafe, native, the findings on the first charge and specification are approved. The evidence of record as to the second charge does not show the commission of the offenses charged with that certainty which the law requires. The findings of the commission on the second charge and its specification and the sentence are therefore disapproved.

The accused will be held as a prisoner of war.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 20, 1900.

General Orders, No. 71.

Before a military commission which convened at Pulilan, province of Bulacan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 53, Headquarters Department of Northern Luzon, June 15, 1900, and of which Maj. Albert Laws, Thirty-fifth Infantry, U. S. Volunteers, was president, and First Lieut. Alvin C. Voris, Thirty-fifth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Marcos Belasquez, Feliciano de Guzman, alias "Butas," Feliciano Mendoza, alias "Bulutong," Regino Servantes, natives.

CHARGE I.—"Kidnaping a president of a town under civil government established by the United States military authorities in the Philippine Islands" (one specification).

CHARGE II.—"Murder" (one specification).

PLEAS.—To the specification, first charge, Marcos Belasquez and Feliciano Mendoza, alias "Bulutong," each of them, "not guilty;" Feliciano de Guzman, alias "Butas," and Regino Servantes, each of them, "guilty." To the first charge, Marcos Belasquez and Feliciano Mendoza, alias "Bulutong," each of them, "not guilty;" Feliciano de Guzman, alias "Butas," and Regino Servantes, each of them, "guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty."

FINDINGS.—Of the specification, first charge, Marcos Belasquez, "not guilty;" Feliciano de Guzman, alias "Butas," Feliciano Mendoza, alias "Bulutong," and Regino Servantes, "guilty, except to the words 'murdering him,' substituting therefor the words 'doing bodily harm to him,' of the excepted words, not guilty, of the substituted words, guilty."

Of the first charge, Marcos Belasquez, "not guilty;" Feliciano de Guzman, alias "Butas," Feliciano Mendoza, alias "Bulutong," and Regino Servantes, "guilty."

Of the specification, second charge, Marcos Belasquez, "not guilty;" Feliciano de Guzman, alias "Butas," Feliciano Mendoza, alias "Bulutong," and Regino Servantes, "guilty, except to the words 'shooting the said Crispino San Pedro with a rifle or rifles,' and substituting therefor 'striking the said Crispino San Pedro with a rifle and by stabbing and cutting him with a dagger or bolo,' of the excepted words, not guilty, and of the substituted words, guilty."

Of the second charge, Marcos Belasquez, "not guilty;" Feliciano de Guzman, alias "Butas," Feliciano Mendoza, alias "Bulutong," and Regino Servantes, "guilty."

SENTENCE.—The commission does therefore "acquit" the said Marcos Belasquez, a native, and does sentence the said Feliciano de Guzman, alias "Butas," Feliciano Mendoza, alias "Bulutong," and Regino Servantes, natives, and each of them, "to be hanged by the neck until each of them be dead, at such place and time as the reviewing authority may direct, an unanimous concurrence therein."

In the foregoing case of Marcos Belasquez, Feliciano de Guzman, alias "Butas," Feliciano Mendoza, alias "Bulutong," and Regino Servantes, natives, the proceedings and findings are approved. The acquittal of Marcos Belasquez by the commission, and the remission of the sentence awarded Regino Servantes by the commanding general, Department of Northern Luzon, are approved. The sentences awarded the defendants, Feliciano de Guzman, alias "Butas," and Feliciano Mendoza, alias "Bulutong," as approved by the department commander, are confirmed, but are

commuted to confinement at hard labor for the period of fifteen (15) years, and, as thus commuted, will be duly executed at the presidio de Manila, to which place the prisoners will be sent under proper guard.

Marcos Belasquez and Regino Servantes will be released from custody.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 20, 1900.

General Orders, No. 72.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, of which Maj. Joseph W. Duncan, Thirteenth U. S. Infantry, was president, and First-Lieut. Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried:

I. Ambrosio Fabia, a native.

CHARGE I.—“Assault and battery” (one specification).

CHARGE II.—“Murder” (one specification).

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, except the words, ‘with a club,’ and of the excepted words not guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except the word ‘clubs,’ substituting therefor the word ‘lances,’ and inserting between this word ‘bolos’ and ‘inflicting’ the words ‘and a lance,’ of the substituted and inserted words guilty, and of the excepted words not guilty.” Of the second charge, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Ambrosio Fabia, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of ten years,” which sentence was approved by the department commander.

In the foregoing case of Ambrosio Fabia, native, the proceedings and findings are approved. The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

II. Canuto Albaro, a native.

CHARGE.—“Murder” (one specification).

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Canuto Albaro, native, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Canuto Albaro, native, the proceedings and findings are approved. The sentence as approved by the department commander is confirmed, but is commuted to confinement at hard labor for the period of fifteen years, and as thus commuted will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

III. Baltazar Fabia, a native.

CHARGE.—“Murder” (one specification).

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Baltazar Fabia, native, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein;” which sentence was mitigated by the commanding general, Department of Northern Luzon, to “confinement at hard labor for life.”

In the foregoing case of Baltazar Fabia, native, the proceedings and findings are approved. The sentence as mitigated by the commanding general, Department of Northern Luzon, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., August 20, 1900.

General Orders, No. 73.

Before a military commission which convened at Apalit, province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 53, Headquarters Department of Northern Luzon, June 15, 1900, and of which Maj. Albert Laws, Thirty-fifth Infantry, U. S. Volunteers, was president, and First Lieut. Alvin C. Voris, Thirty-fifth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Basilio Lalu, a native.

CHARGE.—“Murder” (one specification).

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty, except to the word ‘shooting,’ substituting therefor ‘striking and stabbing,’ and to the words ‘Remington rifle’ substituting therefor ‘bolo or dagger;’ of the excepted words, not guilty, and of the substituted words guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Basilio Lalu, a native, “To be hanged by the neck until he be dead, at such time and place as the reviewing authority may direct, an unanimous concurrence therein.”

In the foregoing case of Basilio Lalu, native, it is clearly shown by two witnesses for the prosecution that a band of men, of whom the accused was one, armed with rifles and bolos, and none of them in uniform, beat and wounded Francisco Salaveria with these weapons for several hours, his arms being tied behind him, conducting him while so doing to a secluded spot, where, as testified to by two other witnesses, he was stabbed with a bolo in the hands of the accused and where he died and was buried by these witnesses, at the command, as one of them testifies, of the accused, who threatened them with death if they should divulge the crime which they had been compelled to witness.

The accused, though represented by counsel, offered no evidence to meet this convincing testimony. Sworn at his own request as a witness for himself, and informed of his rights and privileges, while accusing two of the witnesses against him as being equally guilty with himself, he admitted “taking Francisco away and killing him,” and he attempted no justification therefor other than that “the people of the barrio were making so many complaints about Francisco being a detective for the Americans that our captain, Simeon Mamangun, ordered us to seize and kill him.”

Without the incriminating evidence of the accused himself thus voluntarily given, the case against him is complete, and devoid of error. The effect of his own admissions is to make absolutely certain that which is otherwise established beyond a reasonable doubt; even without them the record indisputably shows the accused to have been an active principal in a brutal and deliberate murder committed by a band of assassins and guerrillas; one forbidden alike by the civil law and the usages of war, and for which the only adequate punishment is death.

The sentence, which was duly approved by the department commander on July 30, 1900, is confirmed and will be duly executed on the 7th day of September, 1900, at Apalit, province of Pampanga, Luzon, P. I., under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., August 20, 1900.

General Orders, No. 74.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 40, Headquarters Department of Northern Luzon, May 31, 1900, and of which Capt. Frederick S. Wild, Thirteenth U. S. Infantry, was president, and Capt. Arthur Johnson, adjutant Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried Estanislao Espejo, a native.

CHARGE I.—“Disturbance of the peace” (one specification).

CHARGE II.—“Assault and battery with intent to do bodily harm” (one specification).

CHARGE III.—“Murder” (one specification).

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.” To the specification, third charge, “not guilty.” To the third charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.” Of the specification, third charge, “guilty, except the words, ‘shooting them, the said Asperin, Rollan, and Beltran, with guns and stabbing,’ substituting therefor the word ‘cutting.’ Of the excepted words ‘not guilty,’ of the substituted word ‘guilty.’” Of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Estanislao Espejo, “To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Estanislao Espejo, native, the proceedings and findings are approved. The sentence, as approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of his natural life.

The sentence as commuted will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 29, 1900.

General Orders, No. 77.

Before a military commission which convened at Sara, Panay, P. I., pursuant to paragraph 1, Special Orders, No. 72, Headquarters Department of the Visayas, June 30, 1900, and of which Lieut. Col. William M. Van Horne, Eighteenth U. S. Infantry, was president, and Capt. Edwin F. Glenn, Twenty-fifth U. S. Infantry, was judge, advocate, was arraigned and tried:

I. Julian Baradas, a native.

CHARGE.—“Murder.”

Specification.—“In that on or about the 12th day of March, A. D. 1900, then as now a time of insurrection, at the barrio of Taybas, district of Concepcion, island of Panay, P. I., a place then as now occupied by the military forces and under the military government of the United States, one Julian Baradas, a native, did, on the day and at the place aforesaid, willfully, feloniously, and with malice aforethought, then and there, assault, murder, and kill one Serbino Arbigoso, a native, by then and there striking and cutting with a sharp instrument, commonly called a bolo, the said Serbino Arbigoso, then and there and in manner aforesaid inflicting on the said Serbino Arbigoso various and divers wounds and cuts, by reason of which said wounds and cuts, so inflicted as aforesaid, the said Serbino Arbigoso, died at San Dionisio, in said district of Concepcion, on or about the 13th day of March, A. D. 1900.”

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty, except the words ‘and with malice aforethought’ and the word ‘murder,’ and of the excepted words ‘not guilty.’” Of the charge, “not guilty of ‘murder,’ but guilty of ‘manslaughter.’”

SENTENCE.—And the commission does therefore sentence him, Julian Baradas, “to be confined, at such place as the reviewing authority may designate, for the period of twenty (20) years at hard labor.”

In the foregoing case of Julian Baradas, native, the proceedings and findings are approved. The sentence is confirmed, but in accordance with the recommendation of the department commander is mitigated to confinement at hard labor for the period of six (6) years; and as thus mitigated, will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

II. Pablo de los Reyes, alias Pablo Catalan, native.

CHARGE I.—“Manslaughter.”

Specification.—“In that he, Pablo de los Reyes, alias Pablo Catalan, a native, did, on or about the 18th day of December, A. D. 1899, then as now a time of insurrection, in the town of Collassi, district of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, commanded and led by the said Pablo de los Reyes, alias Pablo Catalan, feloniously and willfully kill one Leon Perez with a bolo held in the hands of the said Pablo de los Reyes, alias Pablo Catalan, and in the hands of members of said band of armed outlaws, names unknown, inflicting upon the person of the said Leon Perez various and divers wounds, whereof he, the said Leon Perez, then and there died.”

CHARGE II.—“Arson.”

Specification.—“In that he, Pablo de los Reyes, alias Pablo Catalan, a native, did, on or about the 18th day of December, A. D. 1899, then as now a time of insurrection, in the town of Collassi, district of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, commanded and led by the said Pablo de los Reyes, alias Pablo Catalan, wilfully, feloniously, and maliciously set fire to and burn six dwelling houses, the property of and occupied by Adreano Barredo, Marcelo Batema, Tiburcio Batema, Braulia Terwin, Fausto Bonavista, and Andre Banasig, natives.”

CHARGE III.—“Assault and battery with intent to kill.”

Specification.—“In that he, Pablo de los Reyes, alias Pablo Catalan, a native, did, on or about the 14th day of December, A. D. 1899, then as now a time of insurrection, at the hacienda Balogo, near barrio of Monogcoracora, district of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, commanded and led by the said Pablo de los Reyes, alias Pablo Catalan, order and direct a violent assault to be made upon one Francisco Bagaporo by members of said band, with bolos held in the hands of members of said band of outlaws, names unknown, directing and causing various and divers cuts and wounds to be made upon the head and face of the said Francisco Bagaporo, with said bolos so held as aforesaid, with intent then and there feloniously, wilfully, and with malice aforethought, to then and there murder and kill the said Francisco Bagaporo.”

CHARGE IV.—“Robbery.”

Specification 1.—“In that he, Pablo de los Reyes, alias Pablo Catalan, a native, did, on or about the 14th day of December, A. D. 1899, then as now a time of insurrection, at or near the town of Monogcoracora, district of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, commanded and led by the said Pablo de los Reyes, alias Pablo Catalan, feloniously and forcibly take, steal, and carry away from Alejo Posadas, a native, the following, to wit:

Four rifles of the value of \$200, two carabao of the value of \$80, eighteen cavanos of rice, of the value of \$90, and \$2 in currency, of the total value of \$372 in Mexican currency and the property of said Alejo Posadas.”

Specification 2.—“In that he, Pablo de los Reyes, alias Pablo Catalan, a native, on or about the 14th day of December, A. D. 1899, then as now a time of insurrection, at or near the town of Monogcoracora, district of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of armed outlaws, to the number of fifty, more or less, did forcibly and feloniously take, steal, and carry away from the natives resident upon the hacienda of one Alejo Posadas, the clothing, rice, and other property contained in the houses of and owned by the said natives, names unknown.”

Specification 3.—“In that he, Pablo de los Reyes, alias Pablo Catalan, a native, on or about the 14th day of December, A. D. 1899, then as now a time of insurrection, at or near the town of Pili, district of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, commanded and led by the said Pablo de los Reyes, alias Pablo Catalan, did feloniously and forcibly take, steal, and carry away from the inhabitants of the said town of Pili, a quantity of money and rice, value unknown, the property of said inhabitants, names unknown.”

CHARGE V.—“Abduction.”

Specification.—“In that he, Pablo de los Reyes, alias Pablo Catalan, a native, on or about the 9th day of December, A. D. 1899, then as now a time of insurrection, at or near the town of Pili, district of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, in company of and consorting with an armed band of outlaws to the number of fifty, more or less, commanded and led by the said Pablo de los Reyes, alias Pablo Catalan, did abduct Paulina Astorga, Paula Molina, Maria Articon, Catalina Molina, and Justa Articon, native women, by forcibly compelling said women to accompany him, the said Pablo de los Reyes, alias Pablo Catalan, and his said band of outlaws.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty;” to the specification, third charge, “not guilty;” to the third charge, “not guilty;” to the first specification, fourth charge, “not guilty;” to the second specification, fourth charge, “not guilty;” to the third specification, fourth charge,

"not guilty;" to the fourth charge, "not guilty;" to the specification, fifth charge, "not guilty;" to the fifth charge, "not guilty."

FINDINGS.—Of the specification, first charge, "guilty, except the words 'with a bolo held in the hands of the said Pablo de los Reyes, alias Pablo Catalan and,' and of the excepted words not guilty." Of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the specification, third charge, "guilty;" of the third charge, "guilty;" of the first specification, fourth charge, "guilty;" of the second specification, fourth charge, "guilty;" of the third specification, fourth charge, "guilty;" of the fourth charge, "guilty;" of the specification, fifth charge, "guilty;" of the fifth charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Pablo de los Reyes, alias Pablo Catalan, "to be confined for the period of twenty years at hard labor at such place as the reviewing authority may designate."

In the foregoing case of Pablo de los Reyes, alias Pablo Catalan, native, the proceedings and findings, except the findings upon the first and second charges and the specifications thereto, disapproved by the department commander, are approved. The sentence is confirmed, but in accordance with the recommendation of the department commander, is mitigated to confinement at hard labor for the period of seven years, and as thus mitigated will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

III. Juan Cape y Caspillo, native.

CHARGE I.—"Assault and battery with intent to rob."

Specification.—"In that, on the 13th day of June, A. D. 1900, then as now a time of insurrection, at the pueblo of Concepcion, province of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, one Juan Cape y Caspillo, a native, in company of and consorting with a band of armed outlaws, to the number of twenty, more or less, did fire three shots from a rifle in the hands of said Juan Cape y Caspillo, into the house of one Laureano Pendon, a native, knowing said house to be occupied at the time by one or more members of the family of the said Laureano Pendon, and said house being so occupied, and did thereupon enter the said house, and did, then and there violently assault one Catalina Pendon, wife of the said Laureano Pendon, by striking and beating the said Catalina Pendon with a bolo in the hands of the said Juan Cape y Caspillo, with intent then and there to compel the said Catalina Pendon to reveal the whereabouts of certain moneys supposed to be hidden in the said house or premises of the said Laureano Pendon, and with intent then and there forcibly and violently to take, steal, and carry away said moneys and appropriate the same to the use of himself and members of said band.

CHARGE II.—"Robbery."

Specification 1.—"In that, on the 13th day of June, A. D. 1900, then as now a time of insurrection, at the pueblo of Concepcion, province of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, one Juan Cape y Caspillo, a native, in company of and consorting with a band of armed outlaws, to the number of twenty, more or less, did enter the house of one Laureano Pendon, a native, and did then and there violently and forcibly take, steal, and carry away from the said house and from the premises of the said Laureano Pendon the following, to wit:

"Jewelry to the value of \$500, gold and silver coin to the value of \$500, clothing to the value of \$400, one rifle to the value of \$50, tobacco of the value of \$25, wines of the value of \$20, and twenty-four carabaos of the value of \$760, all of the aforesaid values being in Mexican currency, and the total value of the articles and carabaos so taken as aforesaid amounting to \$2,255 in Mexican currency, and being the property of the said Laureano Pendon."

Specification 2.—"In that, on the 13th day of June, A. D. 1900, then as now a time of insurrection, at the pueblo of Concepcion, province of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, one Juan Cape y Caspillo, a native, in company of and consorting with a band of armed outlaws, to the number of twenty, more or less, did enter the house of one Tranquilino Longno, a native, and did then and there forcibly and feloniously take, steal, and carry away from the said house and the premises of the said Tranquilino Longno the following, to wit:

"Twenty cabanes of rice of the value of \$100, jewelry of the value of \$100, silver currency amounting to \$250, clothing contained in six boxes of the value of \$600, tobacco of the value of \$50, and nine carabaos of the value of \$315, all of the aforesaid values being in Mexican currency, and the total values of the articles and carabaos so taken as aforesaid being \$1,415 Mexican currency, and all the property of the said Tranquilino Longno."

CHARGE III.—“Abduction.”

Specification.—“In that, on the 13th day of June, A. D. 1900, then as now a time of insurrection, at the pueblo of Concepcion, province of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, one Juan Cape y Caspillo, a native, in company of and consorting with a band of armed outlaws, to the number of twenty, more or less, did enter the house of one Laureano Pendon, a native, and did then and there seize the person of one Catalina Pendon, the wife of said Laureano Pendon, and Sotera de la Pendon, a servant of the said Laureano Pendon, and did then and there bind and tie with cords the said Catalina Pendon and Sotera de la Pendon, and then and there forcibly and against the wills of the said Catalina Pendon and Sotera de la Pendon, and against the will of each of them, compel the said Catalina Pendon and Sotera de la Pendon to accompany the said band of armed outlaws from the said pueblo of Concepcion.”

CHARGE IV.—“Assault with intent to kill.”

Specification.—“In that, on the 13th day of June, A. D. 1900, then as now a time of insurrection, at or near the pueblo of Concepcion, province of Concepcion, island of Panay, P. I., a place then as now under the military government of the United States, one Juan Cape y Caspillo, a native, in company of and consorting with a band of armed outlaws, to the number of twenty, more or less, did violently assault one Laureano Pendon and one Tranquilino Longno, natives, by firing two or more shots, from a rifle held in the hands of said Juan Cape y Caspillo, at the said Laureano Pendon and said Tranquilino Longno, with the intent then and there feloniously, willfully, and with malice aforethought, to kill the said Laureano Pendon and the said Tranquilino Longno.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the first specification, second charge, “not guilty;” to the second specification, second charge, “not guilty;” to the second charge, “not guilty;” to the specification, third charge, “not guilty;” to the third charge, “not guilty;” to the specification, fourth charge, “not guilty;” to the fourth charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the first specification, second charge, “guilty;” of the second specification, second charge, “guilty;” of the second charge, “guilty;” of the specification, third charge, “guilty;” of the third charge, “guilty;” of the specification, fourth charge, “guilty;” of the fourth charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Juan Cape y Caspillo “to be confined at hard labor, at such place as the reviewing authority may designate, for the period of twenty years.”

In the foregoing case of Juan Cape y Caspillo, native, the proceedings and findings are approved. The sentence is confirmed, but in accordance with the recommendation of the department commander is mitigated to confinement at hard labor, for the period of eight years, and as thus mitigated will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., September 1, 1900.

General Orders, No. 80:

Before a military commission which convened at Vigan, province of Ilocos Sur, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 74, Headquarters Department of Northern Luzon, July 6, 1900, and of which Maj. Edgar Z. Steever, Third U. S. Cavalry, was president and First Lieut. Earle Edmundson, Thirty-third Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Segundo Arcella, a native scout.

CHARGE I.—“Rape, in violation of the 58th article of war.”

Specification.—“In that Segundo Arcella, a duly enrolled scout in the service of the United States, did make an assault upon and by force and violence and without her consent did ravish and carnally know one Elena Bergara, native.”

“This in time of insurrection, at or near the barrio of Santa Maria, Ilocos Sur, Luzon, on or about June 6, 1900.”

CHARGE II.—“Forcible abduction, to the prejudice of good order and military discipline.”

Specification.—“In that Segundo Arcella, a duly enrolled scout in the service of the United States, did feloniously and forcibly seize and abduct one Elena Bergara from

her house, said Elena Bergara being a legal resident of San Esteban. This in the time of insurrection, at said town of San Esteban, Ilocos Sur, Luzon, P. I., about June 6, 1900."

PLEAS.—To the specification, first charge, "guilty;" to the first charge, "guilty;" to the specification, second charge, "guilty;" to the second charge, "guilty."

FINDINGS.—"Of the specification, first charge, "guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Segundo Arcella, a native scout, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case of Segundo Arcella, a scout in the service of the United States, the confession of the accused of his guilt is confirmed by the testimony of his victim. In recording its sentence the commission has but expressed the measure of abhorrence in which all civilized nations hold the crimes of forcible abduction and rape. The sentence is approved, but upon the recommendation of the department commander it is commuted to confinement at hard labor for the period of twenty (20) years, and as thus commuted will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 1, 1900.

General Orders, No. 81.

Before a military commission which convened at Tuguegarao, province of Cagayan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 43, Headquarters Department of Northern Luzon, June 8, 1900, and of which Col. William H. Beck, Forty-ninth Infantry, U. S. Volunteers, was president, and Maj. Robert Gage, Forty-ninth, Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Domingo Sutilo, alias Domingo the Tagalo, native.

CHARGE I.—"Violation of the laws of war."

Specification.—"In that he, Domingo Sutilo, native, alias Domingo the Tagalo, did command a squad of natives, eight in number, more or less, and make an armed raid upon the town of Tuguegarao, Luzon, P. I., on the night of May 20, 1900, or thereabouts; he, the said Domingo Sutilo, being without commission from any government, and occasionally assuming the semblance of peaceful pursuits; and in that he, with arms in his hands, did force said natives to join him in said hostile raid on the town of Tuguegarao by threatening their lives and the lives of their women and children and the destruction of their property in case they refused to join him in said raid, it being for the avowed purpose of attacking the guardhouse, or carcel, at said Tuguegarao and to release the prisoners confined therein, said prisoners being held by the authority of the United States, and did lead in an attack, with arms in his hands, against troops of the United States posted as guard at the guardhouse in the town of Tuguegarao, Luzon, P. I. This at the time and place above specified."

CHARGE II.—"Robbery."

Specification 1.—"In that he, Domingo Sutilo, native, alias Domingo the Tagalo, native, on or about February 20, a time then as now of insurrection, did lead a party, or was a prominent member thereof, to rob and did rob a house in Rancho Bical, a rancho of Piña Blanca, province of Cagayan, P. I., which rancho was at the time and is within the lines occupied by the United States Army, taking therefrom, forcibly, 1 seine, valued at \$8, and \$10 in cash, the property of Jacinto Mallonga, the resident of said house."

"This at the place named, on or about February 20, 1900."

Specification 2.—"In that he, Domingo Sutilo, native, alias Domingo the Tagalo, did lead a party, or was a prominent member thereof, to rob and did rob a house in Rancho Bical, a rancho of Piña Blanca, province of Cagayan, P. I., which rancho was at the time and is within the lines occupied by the United States Army, taking therefrom, forcibly, 1 piece of silk cloth valued at \$10, seine valued at \$2.50, and 6 roosters valued at \$3, the property of Pasqual Berang, the resident of said house."

"This at place named, on or about February 20, 1900."

Specification 3.—"In that he, Domingo Sutilo, native, alias Domingo the Tagalo, did lead a party, or was a prominent member thereof, to rob and did rob a house in Rancho Bical, a rancho of Piña Blanca, province of Cagayan, P. I., which rancho was at the time and is within the lines occupied by the United States Army, taking

therefrom, forcibly, 2 blankets valued at \$6, 1 seine valued at \$5, 1 gold comb valued at \$3, 1 gilt rosary valued at 25 cents, and \$60 in money, the property of Pedro Rozalez, the resident of said house."

"This at the place named, on or about February 20, 1900."

PLEAS.—To the specification, first charge, "guilty;" to the first charge, "guilty;" to the first specification, second charge, "guilty;" to the second specification, second charge, "not guilty;" to the third specification, second charge, "not guilty;" to the second charge, "guilty."

FINDINGS.—Of the specification, first charge, "guilty;" of the first charge, "guilty." Of the first specification, second charge, "guilty, except the words 'eight dollars,' of the excepted words not guilty, substituting therefor the words 'seven dollars,' and of the substituted words guilty." Of the second specification, second charge, "guilty, except of the words 'ten dollars, two dollars and fifty cents,' of the excepted word not guilty, substituting therefor the words 'seven dollars, and two dollars,' and of the substituted words guilty." Of the third specification, second charge, "guilty, except the words 'one gold comb valued at three dollars, one gilt rosary valued at twenty-five cents,' of the excepted words not guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Domingo Sutilo, native, alias Domingo the Tagalo, "to be confined at hard labor, at such place as the reviewing authority may direct, for a period of thirty (30) years."

In the foregoing case of Domingo Sutilo, native, alias Domingo the Tagalo, the sentence was duly approved by the department commander on the 20th day of August, 1900, and is confirmed, but is mitigated to confinement at hard labor for the period of ten (10) years, and as thus mitigated will be duly executed at the Presidio de Manila, P. I., to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 1, 1900.

General Orders, No. 82.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Captain Daniel H. Brush, Seventeenth U. S. Infantry, was president, and First Lieut. David P. Cordray, Seventeenth U. S. Infantry, was judge-advocate, was arraigned and tried Terega Pagarigan and Raymondo Bergora, natives.

CHARGE.—"Murder."

Specification.—"In that Terega Pagarigan and Raymondo Bergora, natives, and each of them, on or about March 22, 1900, then as now in time of insurrection, near the barrio of San José, pueblo of Moncada, province of Tarlac, Luzon, P. I., a place then as now in the theater of active military operations, in company with a band of ladrones armed with rifles and bolos and numbering ten, more or less, did, willfully, feloniously, and with malice aforethought, kill and murder three natives, Lucas Poco, Jocquin Tiansin, and Mariano de Vera, by clubbing them with said rifles held in the hands of Terega Pagarigan and Raymondo Bergora, inflicting wounds therewith whereof they, the said Lucas Poco, Jocquin Tiansin, and Mariano de Vera then and there died."

"This at the time and place above specified."

PLEAS.—To the specification, "not guilty;" to the charge, "not guilty."

FINDINGS.—Of the specification, "guilty, with the exception of the words 'Lucas Poco, Jocquin Tiansin, and Mariano de Vera,' substituting therefor the words 'names unknown,' and of the excepted words not guilty and of the substituted word guilty;" of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Terega Pagarigan and Raymondo Bergora, natives, and each of them, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Terega Pagarigan and Raymondo Bergora, natives, the evidence that the accused deliberately beat to death with the butts of their rifles three natives who were bound while their murder was being accomplished, is overwhelming and conclusive, and established the further fact that the accused are ladrones or guerrillas. Both of the accused, after being informed of their privi-
leges, were at their request sworn in their own behalf. One, Terego Pagarigan,

admitted that the murdered men were tied, as previously testified to, but claimed that this was done by people from San Juan, and denied that the men were killed, claiming that they died from lack of food. The other, Raymondo Bergora, contented himself with saying that the murdered men had robbed him of two carabaos, and that when he arrived upon the scene they were already tied. He explained that he did not untie them, because he was afraid of his companion in crime, Pagarigan, who he says was armed with a gun. The evidence of these accused in no way discredits the testimony against them, which is complete and convincing.

That the prosecution was unable to prove the names of the murdered men is explained in the testimony of record, from which it appears that they had lived in another locality than that in which the murder was committed. The fact in no way affects the correctness of the findings or sentence. The gist of the crime was proved when it was shown beyond a reasonable doubt that the accused beat to death, in the manner and form as charged, the three natives, the burial as well as killing of which a number of witnesses have testified to.

The sentence, which was duly approved by the department commander on July 30, 1900, is confirmed, and will be duly executed on the 21st day of September, 1900, at the pueblo of Moncada, province of Tarlac, Luzon, P. I., under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 5, 1900.

General Orders, No. 83.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 40, Headquarters Department of Northern Luzon, May 31, 1900, and of which Capt. Frederick S. Wild, Thirteenth U. S. Infantry, was president, and Capt. Arthur Johnson, adjutant Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried Melecio Castillo, Santiago Castillo, and Segundo Obejo, natives.

CHARGE I.—“Assault and battery with intent to do bodily harm.”

Specification.—“In that Melecio Castillo, Santiago Castillo, and Segundo Obejo, in company of and consorting with armed outlaws to the number of ten, more or less, did, in time of insurrection, enter the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations, and did unlawfully seize and conduct therefrom, with intent to do bodily harm, Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Saborboro, and Dolores Dingli, natives lawfully residing in said barrio.

“This at the place above specified at about 10 o'clock p. m. February 17, 1900.”

CHARGE II.—“Murder.”

Specification.—“In that Melecio Castillo, Santiago Castillo, and Segundo Obejo, in company of and consorting with armed outlaws to the number of ten, more or less, did willfully, feloniously, and with malice aforethought, murder and kill Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Saborboro, and Dolores Dingli, by shooting them, the said Docosin, Tabaldo, Prado, Saborboro, and Dingli, with guns, and stabbing them, the said Docosin, Tabaldo, Prado, Saborboro, and Dingli, with lances and bolos held in the hands of the said M. Castillo, S. Castillo, and Obejo, and of the said outlaws, inflicting wounds therewith, whereof they, the said Docosin, Tabaldo, Prado, Saborboro, and Dingli, then and there died.

“This in time of insurrection, on or about February 17, 1900, at or near the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty.” To the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, except the words and figures ‘February 17, 1900,’ substituting therefor the words and figures ‘February 18, 1900;’ of the excepted words and figures, not guilty; of the substituted words and figures, guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except the words ‘and Dolores Dingli,’ the words ‘shooting them, the said Docosin, Tabaldo, Prado, Saborboro, and Dingli, with guns and,’ the words ‘and Dingli,’ the words ‘lances and,’ the words ‘and Dingli,’ the words and figures ‘February 17, 1900,’ substituting therefor the words and figures ‘February 18, 1900;’ of the excepted words and figures, not guilty; of the substituted words and figures, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Melecio Castillo, Santiago Castillo, and Segundo Obejo, and each of them, “To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Melecio Castillo, Santiago Castillo, and Segundo Obejo, who were jointly tried, the sentences, which were duly approved by the commanding general, Department of Northern Luzon, on July 30, 1900, are confirmed but are, in the case of each of these accused, mitigated to confinement at hard labor for life, and, so mitigated, will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 10, 1900.

General Orders, No. 84.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Capt. Daniel H. Brush, Seventeenth U. S. Infantry, was president, and First. Lieut. David P. Cordray, Seventeenth U. S. Infantry, was judge-advocate, were arraigned and tried Sabastian Tapador and Gregoria Mendoza, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Sabastian Tapador and Gregoria Mendoza, natives, and each of them, on or about February 8, 1900, then as now a time of insurrection at or near the barrio of Nelomtap, pueblo of San Carlos, province of Pangasinan, P. I., a place then as now in the theatre of active military operations, in company of and consorting with Roque Doria, native, the three comprising a band of armed outlaws commanded and led by the said Tapador, did willfully, feloniously, and with malice aforethought kill and murder one Pablo Garcia, a native, by shooting him, the said Garcia, with guns held in the hands of said Tapador and Doria, inflicting wounds therewith whereof he, the said Garcia, then and there died. This at the times and places above specified.”

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—And the commission finds Gregoria Mendoza, native, one of the accused, of the specification, “not guilty;” of the charge, “not guilty.” And the commission does therefore “acquit” him, Gregoria Mendoza, native.

FINDINGS.—And the commission finds Sabastian Tapador, native, one of the accused of the specification, “guilty, with the exception of the words ‘and Gregoria Mendoza,’ ‘and each of them,’ ‘in company of and consorting with Roque Doria, native, the three comprising a band of armed outlaws commanded and led by said Tapador,’ ‘and Doria,’ and of the excepted words, not guilty, substituting the word ‘native’ for ‘natives’ in the place where it follows the names of Sabastian Tapador and Gregoria Mendoza, and of the substituted word, guilty. Substituting the words ‘a gun’ for ‘guns’ in the sentence ‘by shooting him, the said Garcia, with guns.’ and of the substituted words guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Sabastian Tapador, native, one of the accused, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring.”

In the foregoing case of Sabastian Tapador and Gregoria Mendoza, natives, the proceedings and findings are approved, and the latter, Gregoria Mendoza, will be set at liberty. The sentence in the case of Sabastian Tapador, which was approved by the department commander on August 14, 1900, is confirmed, but is commuted to imprisonment at hard labor for the period of his natural life, and as thus commuted will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 10, 1900.

General Orders, No. 85.

Before a military commission which convened at Apalit, province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 53, Headquarters Depart-

ment of Northern Luzon, June 15, 1900, and of which Maj. Albert Laws, 35th Infantry, U. S. Volunteers, was president, and First Lieut. Alvin C. Voris, 35th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Edwardo Mamangun, a native.

CHARGE.—“Murder.”

Specification.—“In that he, Edwardo Mamangun, native, on or about March 26, 1900, then as now a time of insurrection, at or near the village of San Nicholas, town of San Simon, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and leader of a band of outlaws armed with deadly weapons, to wit, Remington rifles, did willfully, feloniously, and with malice aforethought kill and murder one Francisco Salaveria, native, by shooting him, the said Salaveria, with a Remington rifle, inflicting wounds therewith, whereof he, the said Salaveria, then and there died. This at the time and place above specified.”

PLEAS.—To the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty, except to the words ‘shooting,’ substituting therefor ‘striking and stabbing,’ and ‘with a Remington rifle,’ substituting therefor ‘with a bolo and dagger;’ of the excepted words, not guilty, and of the substituted words, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Edwardo Mamangun, a native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct; an unanimous concurrence therein.”

In the foregoing case of Edwardo Mamangun, native, it is clearly shown by the testimony of several witnesses that the accused was one of a band of outlaws armed with rifles and bolos, that he gave directions and appeared to be in command of said band which, about midnight, took by force Francisco Salaveria from his home and with threats and blows compelled him to go with them to a distant and secluded place, where, the following morning, with a bolo in the hands of a member of the band, their prisoner was murderously assaulted, the accused also aiding in the fatal wounding by thrusting a dagger held in his hand through the neck of his victim. Two witnesses, who were present at the killing of Francisco Salaveria, testify that they were taken by the band from their work and compelled to be present at the time of the murder for the declared purpose of burying the body of the victim. Sworn in his own behalf, the accused first denied and then admitted that he was present with the band. His admissions make conclusive the chain of evidence against him and leave no reasonable doubt that more than any other member of the band he was responsible for and was an active principal in a most brutal and deliberate murder.

The sentence, which was duly approved by the department commander on July 30, 1900, is confirmed, and will be duly executed on the fifth (5th) day of October, A. D. 1900, at the pueblo of Apalit, province of Pampanga, Luzon, P. I., under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 10, 1900.

General Orders, No. 86.

Before a military commission which convened at Aparri, province of Cagayan, Luzon, P. I., pursuant to paragraph II, Special Orders, No. 79, Headquarters Department of the Pacific and Eighth Army Corps, March 24, 1900, of which Maj. Henry C. Ward, Sixteenth U. S. Infantry, was president, and First Lieut. Guy G. Palmer, Sixteenth U. S. Infantry, was judge-advocate, was arraigned and tried Anton Pisca, a native.

CHARGE I.—“Assault and battery, in violation of the laws and usages of war.”

Specification.—“In that he, Anton Pisca, native, on or about April 9, 1900, then as now a time of insurrection, at or near the barrio of Dugo, pueblo of Camalaniugan, province of Cagayan, P. I., a place then as now in the theater of active military operations, in company of Alberto Mariano and Catalino Lara, did, feloniously and wilfully, without just provocation, assault Aurelio Utames and Deurian Alubani, natives, and did bind them with a rope and carry them, the said Aurelio Utames and Deurian Alubani, captives to the ranch of Valiente, barrio of Dugo, pueblo Camalaniugan, province of Cagayan, P. I.”

“This at the time and place above specified.”

CHARGE II.—“Robbery, in violation of the laws and usages of war.”

Specification.—“In that he, Anton Pisca, native, on or about April 9, 1900, then as now a time of insurrection, at or near the ranch of Valiente, barrio of Dugo, pueblo of Camalaniugan, province of Cagayan, P. I., a place then as now in the theater of active military operations, in company of Alberto Mariano and Catalino Lara, did, feloniously and forcibly, take from the presences of Aurelio Utames and Deurian Alubani, natives, the sum of six (6) pesos, more or less, the property of the said Aurelio Utames and Deurian Alubani.”

“This at the time and place above specified.”

CHARGE III.—“Murder.”

Specification.—“In that he Anton Pisca, native, on or about February 28, 1900, then as now a time of insurrection, at or near the barrio of Dugo, pueblo of Camalaniugan, province of Cagayan, P. I., a place then as now in the theater of active military operations, in company of persons unknown, did wilfully, feloniously, and with malice aforethought, kill and murder Che Te Bo, Chic Kue, Chae Levee Co, and Taen Han Chee, Chinamen, with gun or bolo, held in the hand of the said Anton Pisca, inflicting wounds therewith, whereof they, the said Chinamen, then and there died.”

“This at the time and place above specified.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.” To the specification, third charge, “not guilty.” To the third charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.” Of the specification, third charge, “not guilty.” Of the third charge, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Anton Pisca, native, “to be confined at hard labor, in such penitentiary as the reviewing authority may direct, for two (2) years.”

In the foregoing case of Anton Pisca, native, the evidence shows that the accused belonged to a band of insurgents; that he, with two companions, arrested two men, with the declared intention at the time of taking them before the chief of the insurgents, and did actually take them to his camp, when the release of the captives was at once ordered, and they were permitted to go away unharmed.

The evidence adduced in support of the second charge and its specification is the same as recited above, with the additional fact that one witness testifies that 3 pesos were taken from him and 3 pesos from his companion. The comrade of the witness, who was also temporarily deprived of his liberty, was not called to testify. This leaves the proof of the alleged robbery resting upon the testimony of a single witness. In another aspect it may reasonably be inferred that the taking of the money might have been more an incident of the arrest, honestly conceived as an act of war, than an original intent to rob; and as the accused offered evidence of a past honest and industrious life, which was not in any way impeached, the reviewing authority accepts the view most favorable to the accused. So considered the offenses alleged, while technically violating the laws and usages of war, do not, however, take on a sufficiently serious aspect to call for the jurisdiction of a military commission.

The findings upon the first and second charges and their specifications are therefore disapproved. The accused, Anton Pisca, will be detained as a prisoner of war until further orders from these headquarters.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 13, 1900.

General Orders, No. 87.

I. Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Maj. Joseph W. Duncan, 13th U. S. Infantry, was president, and First Lieut. Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, was arraigned and tried:

Roman Santiago, native.

CHARGE I.—“Abduction.”

Specification.—“In that Roman Santiago, a native, in company of and consorting with armed outlaws, to the number of ten, more or less, did unlawfully and feloniously seize, bind, and conduct away, against their will, Antonio Estrada and Angel

Acosta, natives. This in time then, as now, of insurrection, on or about April 20, 1900, at or near Calupaan, a barrio of Asingan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations."

CHARGE II.—"Robbery."

Specification.—"In that Roman Santiago, a native, in company of and consorting with armed outlaws, to the number of ten, more or less, did feloniously and forcibly take from the persons of Antonio Estrada and Angel Acosta forty pesos (40) in coin. This in time then, as now, of insurrection, on or about the 20th day of April, 1900, at or near Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations."

CHARGE III.—"Assault with intent to kill."

Specification.—"In that Roman Santiago, a native, in company of and consorting with armed outlaws, to the number of ten, more or less, did make a violent assault upon Angel Acosta, by shooting him with a gun with intent then and there feloniously, willfully, and with malice aforethought, to kill and murder the said Acosta. This in time then, as now, of insurrection, on or about the 20th day of April, 1900, at or near Baag, a barrio of Binalonan, a place then, as now, in the theater of military operations."

CHARGE IV.—"Murder."

Specification.—"In that Roman Santiago, a native, in company of and consorting with armed outlaws, to the number of ten, more or less, did willfully, feloniously, and with malice aforethought, murder and kill Antonio Estrada, a native, by shooting the said Estrada with guns held in the hands of the said Santiago and outlaws, inflicting wounds whereof the said Estrada then and there died. This in time then, as now, of insurrection, on or about the 20th day of April, 1900, at or near Baag, a barrio of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations."

PLEAS.—To the specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty." To the specification, third charge, "not guilty." To the third charge, "not guilty." To the specification, fourth charge, "not guilty." To the fourth charge, "not guilty."

FINDINGS.—Of the specification, first charge, "guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty." Of the specification, third charge, "guilty." Of the third charge, "guilty." Of the specification, fourth charge, "guilty." Of the fourth charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Roman Santiago, native, "To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

II. Before a military commission which convened at Binalonan, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 40, Headquarters Department of Northern Luzon, May 31, 1900, of which Capt. Frederick S. Wild, 13th U. S. Infantry, was president and Capt. Arthur Johnson, adjutant, 13th U. S. Infantry, was judge-advocate, was arraigned and tried:

Pablo de la Cruz, a native.

CHARGE I.—"Forcible abduction."

Specification.—"In that he, Pablo de la Cruz, a native, and a resident of Asingan, Province of Pangasinan, Island of Luzon, P. I., on or about the 20th of April, 1900, a time then, as now, of insurrection, at Binalonan, Province of Pangasinan, Island of Luzon, P. I., a place then, as now, under the military authority of the United States, in company of and consorting with a band of armed outlaws, to wit: A so-called 'Teniente Roman' and others to the number of ten, more or less, names unknown, did, feloniously and forcibly, bodily seize and carry away one Antonio Estrada and one Angel Acosta, natives. This in the barrio of Baag, pueblo of Binalonan, Island of Luzon, P. I., on the date above specified."

CHARGE II.—"Murder."

Specification.—"In that Pablo de la Cruz, native, on or about April 20, 1900, in time of insurrection, then and there being and within the territory occupied by the military forces of the United States, in company of and consorting with a band of armed outlaws, to wit: A so-called 'Teniente Roman,' and others to the number of ten, more or less, names unknown, did, feloniously and willfully, assault Antonio Estrada, a native, and did bind the arms of the said Estrada, did forcibly seize and carry away the said Estrada, and did, willfully and feloniously, kill and murder the said Estrada, by shooting him with rifles held in the hands of members of the said band, names unknown, inflicting wounds upon the said Estrada, from which he then and there died. This in the barrio of Baag, pueblo of Binalonan, Island of Luzon, P. I., on the date above specified."

CHARGE III.—“Assault with intent to murder.”

Specification.—“In that Pablo de la Cruz, native, on or about April 20, 1900, in time of insurrection, then, as now, and within the territory then, as now, occupied by United States military forces, in company of and consorting with a band of outlaws, to wit: A so-called ‘Teniente Roman,’ and others, numbering ten, more or less, and armed with rifles, did, willfully, feloniously, and with malice aforethought, attempt to kill and murder one Angel Acosta, a native, by shooting the said Acosta with rifles held in the hands of members of said band, names unknown, inflicting wounds on the body of said Acosta. This in the barrio of Baag, pueblo of Binalonan, Island of Luzon, P. I., on or about the date specified.”

CHARGE IV.—“Robbery in violation of the laws and usages of war.”

Specification.—“In that Pablo de la Cruz, native, on April 20, 1900, in time of insurrection, then and there being and within the territory occupied by the military forces of the United States, in company of and consorting with a party of armed outlaws to the number of ten, more or less, names unknown, did feloniously take, and steal from the person of Angel Acosta, native, the sum of twenty-five (25) pesos, in silver, and from the person of Antonio Estrada, native, the sum of (13) pesos, in silver, and did, with armed companions, carry away and appropriate to their own use and benefit the said thirty-eight (38) pesos. This in the barrio of Baag, pueblo of Binalonan, Pangasinan, P. I., on the date above specified.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.” To the specification, third charge, “not guilty.” To the third charge, “not guilty.” To the specification, fourth charge, “not guilty.” To the fourth charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty;” of the specification, third charge, “guilty;” of the third charge, “guilty;” of the specification, fourth charge, “guilty;” of the fourth charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Pablo de la Cruz, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing cases of Roman Santiago and Pablo de la Cruz, the finding upon the first charge and its specification in each case is disapproved, the offense being “kidnapping” instead of “abduction.” The evidence is conclusive that these accused were members of a band of guerrilla marauders, which, armed with rifles, violently seized upon the highway two natives, Antonio Estrada and Angel Acosta, while these were engaged in peaceful and legitimate pursuits; that the band tied and bound them and robbed them of their money, accusing them in the meantime of being “spies of the Americans,” and then took them to the barrio of Baag and tied them to a telegraph pole; that thereupon the band, including these accused, arranged themselves about and fired into their victims a volley, the command for which was given by the accused Pablo de la Cruz, and as a result of which Estrada fell dead and Acosta received three gunshot wounds; that the latter, though left for dead by the accused and his band with the body of Estrada, revived and reported the crime to the authorities, with the result that the dead body of Antonio Estrada was recovered at the place where he fell.

These accused were represented by counsel. At their trials they called no witnesses and offered no testimony, and suffered this evidence of a deliberate and atrocious murder to go uncontradicted and undisputed, except that the accused Roman Santiago, through his counsel, made an uncorroborated and unsupported statement that he was not present when the crime was committed and had no connection with its perpetration.

The evidence against these accused is complete and convincing, being positive and direct upon every step taken in the commission of the crimes charged against them, from the seizure of the two natives up to the giving of the command by the accused Pablo de la Cruz for, and the joining of both of these accused in, the volley which killed Estrada and seriously wounded Acosta, and leaves no room for doubt of the guilt of these accused of the crimes with which they are charged and of which they have been found guilty.

The sentences in these cases, which were approved by the commanding general, Department of Northern Luzon, on August 16, 1900, and July 16, 1900, respectively, are confirmed, and will be executed on the fifth (5) day of October, 1900, at the pueblo of Binalonan, province of Pangasinan, Luzon, P. I., under the direction of the commanding general, Department of Northern Luzon.

III. Before a military commission which convened at Binalonan, province of Pan-

gasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 40, Headquarters Department of Northern Luzon, May 31, 1900, of which Capt. Frederick S. Wild, 13th U. S. Infantry, was president, and Capt. Arthur Johnson, adjutant, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Roman Santiago, native.

CHARGE I.—“Assault and battery with intent to do bodily harm.”

Specification.—“In that Roman Santiago, in company of and consorting with armed outlaws to the number of ten, more or less, did, in the time of insurrection, enter the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations, and did unlawfully seize and conduct therefrom, with intent to do bodily harm, Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Saborboro, and Dolores Dingli, natives, lawfully residing in said barrio. This at the place above specified at about 10 o'clock p. m. February 17, 1900.”

CHARGE II.—“Murder.”

Specification.—“In that Roman Santiago, in company of and consorting with armed outlaws to the number of ten, more or less, did willfully, feloniously, and with malice aforethought, murder and kill Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Saborboro, and Dolores Dingli, by shooting them, the said Docosin, Tabaldo, Prado, Saborboro, and Dingli, with guns, and stabbing them, the said Docosin, Tabaldo, Prado, Saborboro, and Dingli, with lances and bolos held in the hands of the said Santiago and of the said outlaws, inflicting wounds therewith, whereof they, the said Docosin, Tabaldo, Prado, Saborboro, and Dingli, then and there died.

“This in time of insurrection, on or about February 17, 1900, at or near the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except the words ‘and Dolores Dingli,’ the words ‘shooting them, the said Docosin, Tabaldo, Prado, Saborboro, and Dingli, with guns and,’ the words ‘and Dingli,’ the words ‘lances and,’ the words ‘and Dingli,’ of the excepted words, not guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Roman Santiago, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Roman Santiago the evidence conclusively establishes that the accused was in command of a guerrilla band of outlaws, of thirty or more, armed with bolos and rifles, which descended in the night time upon the barrio of Namipitan and forcibly seized and dragged from their homes and barrio Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Saborboro, and Dolores Dingli, natives; that within two weeks thereafter the dead bodies of these persons, with the exception of Dolores Dingli, of whom no trace has since been had, were discovered in a field near the said barrio, mutilated with wounds that must in each case have resulted in death, and inflicted by weapons similar to those with which the accused and his band were armed.

The identification of the accused as the leader of the band, and his commands to it for the seizing and taking away of its victims, are established by evidence that is absolute, positive, and direct. Though represented by counsel, he had no witnesses to call, did not desire to be sworn in his own behalf, and attempted no denial of the testimony against him.

The evidence of the murder by the accused of the four persons spirited away by him and his band, and whose dead bodies were subsequently found close to the scene of their forcible and illegal kidnapping, is presumptive only, but considered with the indisputable proof of the death by violence of these persons and of the accused's clearly and directly established connection with their kidnapping as the leader of the band who gave the commands therefor, and with the absence of all evidence to weaken or rebut the presumption of guilt to which these established facts give rise, is so cogent and convincing as to preclude a reasonable doubt that the accused is guilty in the manner and form as found by the commission.

The sentence, which was approved on July 16, 1900, by the commanding general, Department of Northern Luzon, is confirmed. But the accused having in the meantime been found guilty of other acts of outlawry and crime, and the death sentence adjudged against him in another case wherein he was found guilty, among other offenses, of the murder of one Antonio Estrada, having been ordered to be carried

into effect at the pueblo of Binalonan, province of Pangasinan, Luzon, P. I., on the 5th day of October, A. D. 1900, there remains nothing further to be done herein.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 14, 1900.

General Orders, No. 88.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Capt. Daniel H. Brush, Seventeenth U. S. Infantry, was president, and First Lieut. David P. Cordray, Seventeenth U. S. Infantry, was judge-advocate, was arraigned and tried:

Guillermo Garcia and Florencio Semana, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Guillermo Garcia and Florencio Semana, natives, each of them, on or about May 27, 1900, then as now a time of insurrection, near the barrio of San Julian, pueblo of Moncada, province of Tarlac, Luzon, P. I., a place, then as now, in the theater of active military operations, in company of and consorting with a band of outlaws, numbering five, more or less, and armed with bolos, did, wilfully, feloniously, and with malice aforethought, kill and murder Juana Licay, Alejandro Manyon, Ambrosio Belagot, and Espitacia Manyon, by stabbing and cutting the said Juana Licay, Manyon, Belagot, and Manyon with bolos held in the hands of Guillermo Garcia, Florencio Semana, and one other native, inflicting wounds therewith whereof they, the said Juana Licay, Alejandro Manyon, Ambrosio Belagot, Espitacia Manyon then and there died. This at the time and place above specified.”

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence Guillermo Garcia and Florencio Semana, natives, and each of them, “to be confined at hard labor, for the remainder of their lives, at such place as the reviewing authority may direct.”

In the foregoing case of Guillermo Garcia and Florencio Semana, natives, it appears from the testimony of many witnesses that two men, one woman, and a young girl were killed by bolo wounds in the neck, and that the accused confessed that they inflicted these fatal wounds because they were ordered to do so by a neighbor.

What motive, other than the mere lust for taking human life, may have actuated the accused is not disclosed in the record.

The sentence, which was duly approved by the department commander, on August 13, 1900, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General McArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 17, 1900.

General Orders, No. 91.

Before a military commission which convened at Salasa, province of Pangasinan, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 53, Headquarters Department of Northern Luzon, June 15, 1900, and of which Maj. William H. Bishop, Thirty-sixth Infantry, U. S. Volunteers, was president, and Second Lieut. Llewellyn N. Bushfield, Seventeenth U. S. Infantry, was judge-advocate, was arraigned and tried Dionisio Rosario, a native.

Charge I.—“Murder.”

Specification.—“In that Dionisio Rosario, native, on or about January 5, 1900, then as now a time of insurrection, at or near the barrio of Banaga, pueblo of Salasa, province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of thirty, more or less, commanded and led by the said Dionisio Rosario, did wilfully, feloniously, and with fiendish cruelty kill and murder one Ricardo Sison, a native, by stabbing him, the said Sison, with a bolo held in the hands of members

of said band, names unknown, inflicting severe wounds therewith, and by throwing the said Sison, bound with cords, into the river near by, whereof he, the said Sison, then and there died. This at the times and places above specified."

Charge II.—"Burglary."

Specification.—"In that he, Dionisio Rosario, native, on or about January 5, 1900, then as now a time of insurrection, at or near the barrio of Banaga, pueblo of Salasa, province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of thirty, more or less, commanded and led by the said Dionisio Rosario, did feloniously and forcibly break and enter the house of Andres Bautista at night, and take therefrom two trunks, a quantity of jewelry, and 19 barras of palay, value unknown, and the sum of 35 Mexican dollars, the property of the said Andres Bautista. This at the times and places above specified."

Charge III.—"Robbery."

Specification 1.—"In that he, Dionisio Rosario, native, on or about January 5, 1900, then as now a time of insurrection, at or near the barrio of Banaga, pueblo of Salasa, province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of thirty, more or less, commanded and led by the said Dionisio Rosario, did feloniously and with threats of violence take from the presence of Ysidra Gimenes, native, a quantity of jewelry and dresses, value unknown, the property of the said Ysidra Gimenes. This at the times and places above specified."

Specification 2.—"In that he, Dionisio Rosario, native, on or about January 5, 1900, then as now a time of insurrection, at or near the barrio of Banaga, pueblo of Salasa, province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of thirty, more or less, commanded and led by the said Dionisio Rosario, did feloniously and forcibly take from the presence of Catalino Bautista, native, a quantity of jewelry, value unknown, the property of said Catalino Bautista. This at the times and places above specified."

Specification 3.—"In that he, Dionisio Rosario, native, on or about January 5, 1900, then as now a time of insurrection, at or near the barrio of Banaga, pueblo of Salasa, province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of outlaws to the number of thirty, more or less, commanded and led by the said Dionisio Rosario, did feloniously and forcibly take from the presence of Felipe Gimenes, native, dresses to the value of 24 Mexican dollars, the property of the said Felipe Gimenes. This at the times and places above specified."

Specification 4.—"In that he, Dionisio Rosario, native, on or about January 10, 1900, then as now a time of insurrection, at or near the barrio of Anagao, pueblo of Salasa, province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of outlaws to the number of thirty, more or less, commanded and led by the said Dionisio Rosario, did feloniously and forcibly take from the presence of Feliz Vallao, native, two horses, value unknown, the property of the said Feliz Vallao. This at the times and places above specified."

Charge IV.—"Assault."

Specification.—"In that he, Dionisio Rosario, native, on or about January 10, 1900, a time of insurrection then as now, at or near the barrio of Anagao, pueblo of Salasa, province of Pangasinan, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of 30, more or less, commanded and led by the said Dionisio Rosario, did assault Julian Espino, native, by seizing him forcibly, and by tying him, the said Espino, about the body with strong cords, for no cause whatever except that he stood accused by the said Dionisio Rosario of being an 'American spy.' This at the times and places above specified."

PLEAS.—To the specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty." To the first specification, third charge, "not guilty." To the second specification, third charge, "not guilty." To the third specification, third charge, "not guilty." To the fourth specification, third charge, "not guilty." To the third charge, "not guilty." To the specification, fourth charge, "not guilty." To the fourth charge, "not guilty."

FINDINGS.—Of the specification, first charge, "not guilty." Of the first charge, "not guilty." Of the specification, second charge, "guilty, except as to the words 'and take therefrom two trunks, a quantity of jewelry, and 19 barras of palay, value unknown, and the sum of 35 Mexican dollars, the property of the said Andres Bautista,' and of the accepted words not guilty." Of the second charge, "guilty." Of

the first specification, third charge, "guilty." Of the second specification, third charge, "guilty, except as to the words 'and forcibly' and 'from the presence of Catalino Bautista, native,' and of the accepted words, not guilty." Of the third specification, third charge, "not guilty." Of the fourth specification, third charge, "not guilty." Of the third charge, "guilty." Of the specification, fourth charge, "guilty, except as to the words 'by seizing him forcibly and by tying him, the said Espino, about the body with strong cords,' and of the excepted words not guilty." Of the fourth charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Dionisio Rosario, alias Disio Daguem, "to be confined at hard labor, at such place as the reviewing authority may direct, for twenty years."

In the foregoing case of Dionisio Rosario, alias Disio Daguem, native, the finding of the commission upon the second specification to the third charge excepts all the material averments in said specification going to constitute robbery and removed it from further consideration under the charge as laid. It was alike the duty and the lawful province of the commission to have substituted for this specification the charge of larceny, that being a lesser and included offense, plainly revealed in the evidence. The finding upon this specification is, because of its irregularity, disapproved.

The finding upon the specification to the fourth charge excepts all words of description of the offense alleged, and leaves the conviction thereunder devoid of all value as a plea in bar of a second trial for the same offense. The finding upon the fourth charge and its specification is therefore disapproved.

With the exceptions noted, the findings are approved. The sentence, which was approved by the department commander of August 20, 1900, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 20, 1900.

General Orders, No. 92.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Maj. Joseph W. Duncan, Thirteenth U. S. Infantry, was president, and First Lieut. Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried: Pedro Dacoco and Lazaro Daro, natives.

CHARGE.—"Murder."

Specification.—"In that Pedro Dacoco and Lazaro Daro, natives, and each of them, in company of and consorting with armed outlaws to the number of sixty, more or less, did, wilfully, feloniously, and with malice aforethought, murder and kill Cirapion Altre, presidente of Asingan at the time, Leonardo Victorio, Augustine Opina, Mariano Catama, Gregorio Rivera, and one 'Gervac,' natives, by stabbing them with spears and bolos held in the hands of said Dacoco and Daro, and of said outlaws, inflicting wounds therewith, whereof they, the said Altre, Victorio, Opina, Catama, Rivera, and 'Gervac,' then and there died. This in time, then as now, of insurrection against the United States, on or about the third week of November, 1899, at or near Asingan, province of Pangasinan, a place, then as now, in the theater of military operations of the United States forces."

PLEAS.—To the specification, "not guilty;" to the charge, "not guilty."

FINDINGS.—Of the specification, "guilty;" of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Pedro Dacoco and Lazaro Daro, natives, and each of them, "to be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Pedro Dacoco and Lazaro Daro, natives, it appears in evidence that upon the approach of a troop of U. S. cavalry to the pueblo of Asingan, the presidente and others of said pueblo fled for safety to the barrio of Cocalditen; that three days later they were surrounded in their place of refuge by a band of armed outlaws, natives, and the presidente and five other men of the refugee party were assaulted and driven forth with blows inflicted with bolos in the hands of said outlaws, and that from that day until the present no one of the assaulted party has since been seen among living men. One of the refugee party testified that upon the

first appearance of the outlaws he fled and screened himself from view, and that the outlaws afterwards passed so close by him that he was able to recognize the accused, who were acquaintances of his, and saw them strike Cirapion Altre with bolos held in their hands, and that after falling to the ground the body of said Altre long remained motionless and until the witness, through fear, fled from the spot. Witness also heard men among the outlaw band say they had "dispatched" the other kidnaped men.

Why these men while hiding from the American troops should have been ruthlessly murdered by their own people does not appear.

The sentence, which was approved by the department commander on the 16th day of August, 1900, is confirmed, but is commuted to confinement at hard labor for life. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 15, 1900.

General Orders, No. 95.

Before a military commission which convened at Batangas, province of Batangas, Luzon, P. I., pursuant to paragraph 12, Special Orders, No. 95, Headquarters Department of Southern Luzon, July 16, 1900, and of which Col. George S. Anderson, Thirty-eighth Infantry, U. S. Volunteers, was president, and Capt. Beverly A. Read, Thirty-eighth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Albino Villareal, native.

CHARGE.—"Being a guerrilla."

Specification.—"In that Albino Villareal, native, not being a member of any recognized military organization, but acting independently of the same, did, in combination with sundry other persons similarly acting, engage in unlawful warfare against the forces of the United States, and, in prosecution of such warfare, did lie in wait and fire upon a body of United States troops on the march from Lipa, Luzon, P. I., to Tanauan, Luzon, P. I. This in time of insurrection at or near Lipa, Luzon, P. I., on or about July 2, 1900."

PLEAS.—To the specification, "not guilty. To the charge, "not guilty."

FINDINGS.—Of the specification, "guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Albino Villareal, native, "to be confined at hard labor, at such place as the reviewing authority may direct, for twenty years."

In the foregoing case of Albino Villareal, native, it appears from the evidence that the accused was an ex policeman of Lipa, and that prior to and including the first day of July, 1900, was following the occupation of a barber, that on the next day, July 2, a detachment of U. S. troops early in the morning left Lipa and about four miles out on the road to Tanauan, at about 8 o'clock, was fired upon by a large body of armed men; that the accused was seen and instantly recognized as one of the assailants standing in the rear of the detachment, and from a distance variously estimated from twenty-five to seventy-five yards, raise his rifle and fire repeatedly at and in the direction of the men of said detachment.

Before noon of the same day the accused had returned and was acting the part of the peaceful neighbor in Lipa. The evidence leaves no reasonable doubt that the accused is one of a class of men who, while enjoying in their daily avocations the protection of the American soldiers, waylay and fire upon them whenever they fancy they have found a safe opportunity.

To all such the laws of war authorize the penalty of death. The accused by an act of grace has been saved this extreme penalty. The sentence which was approved by the department commander on August 20, 1900, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 15, 1900.

General Orders, No. 96.

Before a military commission which convened at Apalit, province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 53, Headquarters Department of Northern Luzon, June 15, 1900, and of which Maj. Albert Laws, Thirty-fifth Infantry, U. S. Volunteers, was president, and First Lieut. Alvin C. Voris, Thirty-fifth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Simeon Mamangun, native.

CHARGE I.—“Murder.” *Specification.*—“In that he, Simeon Mamangun, native, on or about the 16th day of May, 1899, then as now a time of insurrection, at or near the village of Sucad, town of Apalit, Island of Luzon, P. I., a place then as now under the military government of the United States, in company of and in command of a band of thieves, armed with deadly weapons, to wit, Remington rifles, did willfully, feloniously, and with malice aforethought kill and murder one Telesforo Ponce, native, by shooting him, the said Ponce, with said rifles, inflicting wounds therewith, whereof he, the said Ponce, then and there died, he, the said Mamangun, being then and there present in command of said band. This at the time and place above specified.”

CHARGE II.—“Murder.” *Specification.*—“In that he, Simeon Mamangun, native, on or about the 28th day of June, 1899, then as now a time of insurrection, at or near the village of Casinala, town of Apalit, Island of Luzon, P. I., a place then as now under the military government of the United States, did wilfully, feloniously, and with malice aforethought, beat with a revolver one Felix Guivara, native, inflicting wounds therewith, whereof he, the said Guivara, did die on the next day, the 29th of June, 1899. This at the time and place above specified.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, except to the word ‘thieves,’ substituting therefor ‘men’ of the excepted word not guilty and of the substituted word guilty;” of the first charge, “guilty;” of the specification; second charge, “guilty, except to the words ‘feloniously, and with malice aforethought’ and to the word ‘beat,’ substituting therefor ‘strike,’ and to the words ‘the next day, the 29th of June’ substituting therefor ‘the third day, on or about July 1, 1889,’ of the excepted words not guilty, and of the substituted words guilty;” of the second charge, “not guilty of murder, but guilty of manslaughter.”

SENTENCE.—And the commission does therefore sentence him, Simeon Mamangun, a native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct; a unanimous concurrence therein.”

In the foregoing case of Simeon Mamangun, native, the finding upon the first charge and its specification is disapproved, the evidence failing to remove from the mind of the reviewing authority serious doubt of its sufficiency and credibility.

The evidence upon the second charge and its specification being conclusive beyond all reasonable doubt, the sentence which was approved by the department commander on August 27, 1900, is confirmed; but is mitigated to confinement at hard labor for the period of ten years, and as thus mitigated will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 22, 1900.

General Orders, No. 99.

Before a military commission which convened at San Fernando, province of Union, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 42, Headquarters Department of Northern Luzon, June 3, 1900, and of which Maj. Charles F. Kieffer, surgeon, Forty-eighth Infantry, U. S. Vols., was president, and First Lieut. William T. Johnston, Third U. S. Cavalry, was judge-advocate, were arraigned and tried: Manuel Bautista, Isidoro Ramires, Maximo Roldan, and Pedro Negranza, natives.

CHARGE I.—“Murder.”

Specification 1.—“In that Manuel Bautista and Isidoro Ramires, Filipinos, residents of Bangar, Union Province, Luzon, P. I., Maximo Roldan and Pedro Negranza, Filipinos, residents of Namacpacan, province of La Union, Luzon, P. I., did,

with sundry other persons armed with rifles and bolos, on or about the 10th day of January, 1900, then, as now, a time of insurrection, at Bangar, province of La Union, Luzon, P. I., then, as now, a place under the military occupation and government of the United States, feloniously, wilfully, and with malice aforethought, kill and murder one Hilario Aquino, a Filipino, by shooting him in the breast with a rifle or other firearms, and by stabbing him below the left clavicle with a bolo or other sharp instrument, thereby inflicting certain wounds by reason of which wounds the said Hilario Aquino died on or about the 10th day of January, 1900. This at the time and place above specified."

Specification 2.—"In that Manuel Bautista and Isidoro Ramires, Filipinos, residents of Bangar, province of La Union, Luzon, P. I., Maximo Roldan and Pedro Negranza, Filipinos, residents of Namacpacan, province of Union, Luzon, P. I., did, with sundry other persons, armed with rifles and bolos, on or about the 10th day of January, 1900, then, as now, a time of insurrection, at Bangar, province of La Union, Luzon, P. I., then, as now, a place under the military occupation and government of the United States, feloniously, wilfully, and with malice aforethought, kill and murder one Cipriano Gavino, a native, by shooting him in the breast with a rifle or other firearm, and by cutting his throat with a bolo or other sharp instrument, thereby inflicting certain wounds by reason of which wounds the said Cipriano Gavino died on or about the 10th day of January, 1900. This at the time and place above specified."

Specification 3.—"In that Manuel Bautista and Isidoro Ramires, Filipinos, residents of Bangar, province of La Union, Luzon, P. I., Maximo Roldan and Pedro Negranza, Filipinos, residents of Namacpacan, province of La Union, Luzon, P. I., did, with sundry other persons armed with rifles and bolos, on or about the 10th day of January, 1900, then, as now, a time of insurrection, at Bangar, province of La Union, Luzon, P. I., then, as now, a place under the military occupation and government of the United States, feloniously, wilfully, and with malice aforethought, kill and murder one Pio Lopez, a Filipino, Delegado de Justicia, of Bangar, province of La Union, Luzon, P. I., by shooting him in the breast with a rifle or other firearm, and by cutting his throat with a bolo or other sharp instrument, thereby inflicting certain wounds by reason of which wounds the said Pio Lopez died on or about the 10th day of January, 1900. This at the time and place above specified."

Specification 4.—"In that Manuel Bautista and Isidoro Ramires, Filipino residents of Bangar, province of La Union, Luzon, P. I., Maximo Roldan and Pedro Negranza, Filipino residents of Namacpacan, province of La Union, Luzon, P. I., did, with sundry other persons armed with rifles and bolos, on or about the 10th day of January, 1900, then, as now, a time of insurrection, at Bangar, province of La Union, Luzon, P. I., then, as now, a place under the military occupation and government of the United States, feloniously, wilfully, and with malice aforethought, kill and murder one Antonio Morales, a Filipino, resident of Bangar, province of La Union, Luzon, P. I., by shooting him in the breast with a rifle or other firearm, and by cutting his throat with a bolo or other sharp instrument, thereby inflicting certain wounds by reason of which wounds the said Antonio Morales died on or about the 10th day of January, 1900. This at the time and place above specified."

CHARGE II.—"Robbery."

Specification 1.—"In that Manuel Bautista and Isidoro Ramires, Filipino residents of Bangar, province of la Union, Luzon, P. I., Maximo Roldan and Pedro Negranza, Filipinos, residents of Namacpacan, Luzon, P. I., did, with sundry other persons, armed with rifles and bolos, on or about the 10th day of January, 1900, then, as now, a time of insurrection, at Bangar, province of la Union, Luzon, P. I., then, as now, a place under the military occupation and government of the United States, enter the house of Cipriano Gavino, presidente of said town of Bangar, and did violently and feloniously take therefrom and from and in the presence of the owner and inmates thereof, money, clothing, and other personal property. This at the times and places above specified."

Specification 2.—"In that Manuel Bautista and Isidoro Ramires, Filipinos, residents of Bangar, province of la Union, Luzon, P. I., Maximo Roldan and Pedro Negranza, Filipinos, residents of Namacpacan, Luzon, P. I., did, with sundry other persons, on or about the 10th day of January, 1900, then, as now, a time of insurrection, at Bangar, province of la Union, Luzon, P. I., then, as now, a place under the military occupation and government of the United States, enter the house of Pio Lopez, delegado de justicia of said town of Bangar, and did violently and feloniously take therefrom and from and in the presence of the owner and inmates thereof, money, clothing, and other personal property. This at the times and places above specified."

Specification 3.—"In that Manuel Bautista and Isidoro Ramires, Filipinos, residents of Bangar, province of la Union, Luzon, P. I., Maximo Roldan and Pedro

Negranza, Filipinos, residents of Namacpacan, Luzon, P. I., did, with sundry other persons, armed with rifles and bolos, on or about the 10th day of January, 1900, then, as now, a time of insurrection, at Bangar, province of la Union, Luzon, P. I., then, as now, a place under the military occupation and government of the United States, enter the house of Antonio Morales, a Filipino resident of said town of Bangar, and did violently and feloniously take therefrom and from and in the presence of the owner and inmates thereof, money, clothing, and other personal property. This at the times and places above specified."

Specification 4.—"In that Manuel Bautista and Isidoro Ramires, Filipinos, residents of Bangar, province of la Union, Luzon, P. I., Maximo Roldan and Pedro Negranza, Filipinos, residents of Namacpacan, Luzon, P. I., did, with sundry other persons, armed with rifles and bolos, on or about the 10th day of January, 1900, then, as now, a time of insurrection at Bangar, province of la Union, Luzon, P. I., then, as now, a place under the military occupation and government of the United States, enter the presidencia of said town of Bangar, province of la Union, Luzon, P. I., and did violently and feloniously take therefrom and from its lawful custodians the box containing the public moneys of said town of Bangar with its contents, two hundred and seventy-five pesos (275), more or less. This at the times and places above specified."

PLEAS.—To the first specification, first charge, "not guilty;" to the second specification, first charge, "not guilty;" to the third specification, first charge, "not guilty;" to the fourth specification, first charge, "not guilty;" to the first charge, "not guilty;" to the first specification, second charge, "not guilty;" to the second specification, second charge, "not guilty;" to the third specification, second charge, "not guilty;" to the fourth specification, second charge, "not guilty;" to the second charge, "not guilty."

And the commission finds the accused, Manuel Bautista, Isidoro Ramirez, and Maximo Roldan, and each of them: Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty;" of the third specification, first charge, "guilty;" of the fourth specification, first charge, "guilty;" of the first charge, "guilty." Of the first specification, second charge, "guilty;" of the second specification, second charge, "guilty;" of the third specification, second charge, "guilty;" of the fourth specification, second charge, "guilty;" of the second charge, "guilty."

SENTENCE.—And the commission does, therefore, sentence the accused, Manuel Bautista, Isidoro Ramires, and Maximo Roldan, and each of them, "to be hanged by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring in this sentence."

And the commission finds the accused, Pedro Negranza, of the first, second, third, and fourth specifications, first charge, "guilty," except the words in each specification, "feloniously, willfully, and with malice aforethought, kill and murder," and substituting in each specification above mentioned the words "assist in murdering," of the excepted words in each of the said specifications "not guilty," and of the substituted words in each of the above-mentioned specifications, "guilty." Of the first charge, "guilty as accessory before and after the fact." Of the first specification, second charge, "guilty;" of the second specification, second charge, "guilty;" of the third specification, second charge, "guilty;" of the fourth specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does, therefore, sentence him, the accused, Pedro Negranza, "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

In the foregoing case of Manuel Bautista, Isidoro Ramires, Maximo Roldan, and Pedro Negranza, natives, who were jointly tried, the evidence clearly establishes that on the night of January 10, 1900, a band of thirty or more outlaws and guerrilla marauders, armed with rifles and bolos, of which the accused Maximo Roldan was the captain, and in whose criminal acts of that night these other accused took part, descended upon the town of Bangar, province of La Union, Luzon, P. I., and forcibly seized and dragged from their homes Cipriano Gavino, Pio Lopez, and Antonio Morales, at the same time robbing them and the members of their families of money, clothing, and other valuables; that shortly after the band departed with their prisoners, shots were heard, and within twenty-four hours thereafter the dead bodies of Hilario Aquino, Cipriano Gavino, Pio Lopez, and Antonio Morales were found within a mile of the town with gunshot and knife wounds that must in each case have proven fatal.

The evidence of the murder, as charged, by these accused of Cipriano Gavino, Pio Lopez, and Antonio Morales, though circumstantial and presumptive, is so cogent and convincing as to preclude a reasonable doubt of their guilt.

Except as to the finding of the dead body of Hilario Aquino, in company with the other murdered men, there is nothing in the record to connect these accused with his death, and the finding of the commission of the first specification of charge 1 is disapproved.

The sentences, which were duly approved on August 1, 1900, by the Department Commander, are confirmed and will be executed, in the cases of Manuel Bautista, Isidoro Ramirez, and Maximo Roldan, on the twenty-third (23d) day of November, A. D. 1900, at the pueblo of Bangar, province of Union, Luzon, P. I., under the direction of the commanding general, Department of Northern Luzon, and in the case of Pedro Negranza, at the presidio de Manila, to which place he will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 22, 1900.

General Orders, No. 100.

Before a military commission which convened at Batangas, province of Batangas, Luzon, P. I., pursuant to paragraph 12, Special Orders, No. 95, Headquarters Department of Southern Luzon, July 16, 1900, and of which Col. George S. Anderson, Thirty-eighth Infantry, U. S. Volunteers, was president, and Capt. Beverly A. Read, adjutant, Thirty-eighth Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

I. Gregorio de Castro, native.

CHARGE.—“Murder.”

Specification 1.—“In that Gregorio de Castro, captain of Columnas Voluntas, while in company with and in command of certain native Filipinos, names unknown, did, without cause or provocation, feloniously and with malice aforethought murder and kill and aid and abet in the murdering and killing of Leung Sui, a Chinaman, by stabbing him and causing him to be stabbed with a dagger.

“This in time of insurrection at Batangas, province of Batangas, P. I., a place under the military government of the United States, on or about the 8th day of March, 1900.”

Specification 2.—“In that Gregorio de Castro, captain of Columnas Voluntas, did, without cause or provocation, feloniously and with malice aforethought murder and kill Peter Cooper, private, Company C, Thirty-eighth Infantry, U. S. Volunteers, by stabbing him with a dagger and decapitating him.

“This in time of insurrection at Batangas, province of Batangas, P. I., a place under the military government of the United States, on or about the 27th day of March, 1900.”

Specification 3.—“In that Gregorio de Castro, captain of Columnas Voluntas, did, without cause or provocation, feloniously and with malice aforethought murder and kill Mariano Rojas, native, by shooting him with a rifle. This in time of insurrection at Batangas, province of Batangas, P. I., a place under the military government of the United States, on or about the 25th day of March 1900.

PLEAS.—To the first specification, “not guilty;” to the second specification, “not guilty;” to the third specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the first specification, “guilty;” of the second specification, “not guilty;” of the third specification, “guilty, inserting between the words ‘kill’ and ‘Mariano’ the words ‘and aid and abet in the murdering and killing of;’” of the charge, “guilty.”

SENTENCE.—And the commission sentences him, Gregorio de Castro, “to be confined at hard labor at such place as the reviewing authority may direct for twenty (20) years.”

In the foregoing case of Gregorio de Castro, native, the finding upon the first specification rests upon circumstantial evidence of a very doubtful nature. It appears that the murdered man met his death by assassination at the hands of Marcelo de Castro, but no proof exists further than that the assassin belonged to the band commanded by the accused, that he had guilty knowledge of or was privy to the perpetration of the crime. That the court was influenced in its finding upon this specification by the nature of the commission under which the accused was serving may be inferred from the following translation thereof appearing of record:

“HEADQUARTERS MILITARY ZONE OF BATANGAS.

“By virtue of the authority vested in me by the highest military authority of the province, I appoint Mr. Gregorio de Castro, a resident of Batangas, captain of a

'flying' company, detailed exclusively to the secret extermination of the American cavalry and infantry. For this I ask and supplicate of all the authorities, both civil and military, that he be recognized as such, and that they furnish the necessary forces in case he asks for aid.

"Given in the barracks of the 'flying forces,' Batangas, the 28th of February, 1900.

"(Signed) CRISANTO BORRUAL, *Major*.

"Mr. GREGORIO DE CASTRO,
"Flying Captain."

It may with justice be said that any man who will serve under as piratical a commission as that held by the accused is deserving of death at sight, not as a man, but as a monster in human shape. His paltry defense of holding the office of a secret assassin was that it was given in Spanish, and that he could not read that language. Still, guarded by the enlightened and just laws of the nation under which he has been tried, the accused must be held not guilty of the first specification. Had he been tried for a violation of the laws of war for holding and conducting war under his commission of assassination, he would then have had prior notice of the nature of the defense he was called upon to make, and, if convicted, the fairness and justice thereof would not, as now, be open to question. The finding upon this specification is therefore disapproved.

The evidence in support of the third specification is direct, unshaken, and conclusive, that the accused and one other man called their victim from his house and for the reason, as they declared it, that because he had that day been arrested by the American forces and released, he must therefore be an American spy, shot deceased with a rifle and thereby caused his almost instant death.

The sentence which was approved by the department commander on September 14, 1900, although deemed inadequate, is confirmed and will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

II. Marcelo de Castro, native.

CHARGE.—"Murder."

Specification.—"That Marcelo de Castro, native, did, in the pueblo of Batangas, Luzon, P. I., a place then, as now, under the military government of the United States, feloniously and with malice aforethought kill and murder and aid and abet in the killing and murdering of Leung Sui, Chinese, by stabbing the said Leung Sui with a dagger. This in time of insurrection, on or about March 8, 1900.

PLEAS.—To the specification, "not guilty;" to the charge, "not guilty."

FINDINGS.—Of the specification, "guilty;" of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Marcelo de Castro, native, "To suffer death at such time and place and in such manner as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Marcelo de Castro, native, the evidence of the murder of the Chino Leung Sui in the market of Batangas is absolute and certain. An eye-witness, not more than 20 yards distant from the attack upon him, positively identified on the trial the accused as having come up to the murdered man and then stabbed him with a dagger, inflicting a wound of which he died almost immediately. The motive for the murder is clearly shown by the evidence.

The accused was a member and "teniente" of one of the bands of guerrilla marauders infesting the country. The murdered man had been a prisoner in the hands of the insurgents and afterwards, up to the day of his death, had, in discovering their hiding places and in identifying various ones of their number, rendered open and valuable assistance to the United States troops.

The sentence, which was approved on the 3d day of August, 1900, by the commanding general, Department of Southern Luzon, is confirmed and will be executed at Batangas, province of Batangas, Luzon, P. I., on the sixteenth (16th) day of November, A. D. 1900, by being hanged by the neck until he is dead, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 23, 1900.

General Orders, No. 101.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters

Department of Northern Luzon, June 25, 1900, and of which Maj. Joseph W. Duncan, Thirteenth U. S. Infantry, was president, and First Lieut. Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried Mariano Buen and Roman Melindez, natives.

CHARGE.—“Murder.”

Specification.—“In that Mariano Buen and Roman Melindez, natives, in company of, and consorting with, a band of natives armed with rifles, thirty, more or less, in number, did willfully, feloniously, and with malice aforethought kill and murder Doroteo Bautista and Augustine Castillo, natives, by shooting the said Doroteo Bautista and Augustine Castillo with a rifle or rifles held by a member or members of said band, inflicting wounds whereof the said Doroteo Bautista and Augustine Castillo then and there died. This, at or near the pueblo of Pozorrubio, province of Pangasinan, Luzon, on or about December 19, 1899, in time of insurrection against the lawful authority of the United States, and in territory occupied by United States forces.”

PLEAS.—To the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Mariano Buen and Roman Melindez, natives, and each of them “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years.”

In the foregoing case of Mariano Buen and Roman Melindez, the evidence establishes that an armed band of guerrilla marauders, under the leadership of one Benito Amansec, descended in the nighttime upon the pueblo of Pozorrubio, and, after surrounding their houses, forcibly dragged therefrom Doroteo Bautista and Augustine Castillo, together with three other native residents, and, after tying their prisoners, removed them a short distance where four, including Doroteo Bautista and Augustine Castillo, were shot to death, their dead bodies being recovered on the following morning. Both of these accused are positively identified by the wife of one of the murdered men as two of four men who entered her house and dragged therefrom her husband, and Mariano Buen is further identified as among the band by one of the five natives kidnaped by it and whose life was spared.

The unlawful kidnaping of the murdered men by these accused and the departure of the band with them as prisoners toward the place from which shots were shortly afterwards heard, and where the bodies of the murdered men were found the next morning, are established beyond a reasonable doubt. These accused were represented by counsel and offered no testimony to rebut their positive identification as members of the band, except that one witness attempted to establish an alibi for Roman Melindez, which was so vague and general in its nature as to be valueless against the convincing evidence to which it is opposed. The established facts in this case preclude a reasonable doubt of the murder by these accused of Doroteo Bautista and Augustine Castillo, and of their guilt in the manner and form as charged.

The sentences which were approved by the department commander on August 10, 1900, are confirmed and will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 23, 1900.

General Orders No. 102.

Before a military commission which convened at Capiz, Panay, P. I., pursuant to paragraph 2, Special Orders, No. 72, Headquarters Department of the Visayas, June 30, 1900, and of which Capt. Thomas W. Griffith, Eighteenth U. S. Infantry, was president, and Capt. David C. Shanks, Eighteenth U. S. Infantry, was judge-advocate, was arraigned and tried Francisco Acrisosto, native.

CHARGE.—“Murder.”

Specification.—“In that on the 11th day of March, A. D. 1900, then as now a time of insurrection, in the barrio of Lanaan, pueblo of Panay, province of Capiz, in the Philippine Islands, the said place being then as now occupied by the military forces and under the military government of the United States, one Francisco Acrisosto, a native, did, on the day and at the place aforesaid, willfully and feloniously and with malice aforethought, there and then assault, murder, and kill one Restituto Alindug, a native, by there and then striking and cutting the said Restituto Alindug with a sharp instrument, commonly called a bolo, then and there and in the manner afore-

said inflicting on the said Restituto Alindug an incised wound in the right pectoral region about eight centimeters in length, from the effects of which said wounds, so inflicted as aforesaid, the said Restituto Alindug died on the 23d day of March, A. D. 1900, at the place aforementioned.

PLEAS.—To the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Francisco Acrisosto, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Francisco Acrisosto, native, the sentence which was approved by the department commander on September 4, 1900, is confirmed, but in view of mitigating circumstances appearing of record, it is reduced to confinement at hard labor for the period of his natural life. As thus mitigated the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 23, 1900.

General Orders, No. 103.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 40, Headquarters Department of Northern Luzon, May 31, 1900, and of which Capt. Frederick S. Wild, Thirteenth U. S. Infantry, was president, and Capt. Arthur Johnson, adjutant, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried: Agipito Mendoza, Apolonario Lantano, and Apolonio Garcia, natives.

CHARGE I.—“Forcible abduction.”

Specification.—“In that they, Agipito Mendoza, Apolonario Lantano, and Apolonio Garcia, natives and residents of the province of Pangasinan, Luzon, P. I., on or about March 2, 1900, then, as now, a time of insurrection, at or near the barrio of Tolong, Urdaneta, province of Pangasinan, island of Luzon, P. I., a place then, as now, under the military authority of the United States, in company of, and consorting with a band of outlaws armed with guns and bolos, the said band consisting of Juan Siquig, Feleciano Cortes, Alberto Marana, Ambrosio Zuelacio, Catalino Untalan, Melicio Gayiton, and others, number and names unknown, did forcibly seize, bind, and carry away the following persons, to wit: Lorenza Soriano, Gelasio Jacobe, Arcadio Jacobe, Tasinto Echavarre, and Felipe Bacungan. This at the time and place above specified.”

CHARGE II.—“Murder.”

Specification.—“In that they, said Agipito Mendoza, Apolonario Lantano, and Apolonio Garcia, natives and residents of the province of Pangasinan, island of Luzon, P. I., on or about March 2, 1900, a time then, as now, of insurrection, at or near the barrio of Tolong, Urdaneta, province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States, in company of, and consorting with a band of men armed with rifles and bolos, to wit, Melicio Gayiton, Feleciano Cortes, Ambrosio Zuelacio, Juan Siquig, Alberto Marana, and Catalino Untalan, and others, names and number unknown, did willfully, feloniously, and with malice aforethought kill and murder Lorenza Soriano, Gelasio Jacobe, Arcadio Jacobe, Tasinto Echavarre, and Felipe Bacungan, by inflicting wounds, natures of instruments of death unknown, from which they, the said Lorenza Soriano, Gelasio Jacobe, Arcadio Jacobe, Tasinto Echavarre, and Felipe Bacungan, then and there, or shortly afterwards, died. This at the time and place above specified.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty, except the words Arcadio Jacobe, Tasinto Echavarre, Felipe Bacungan, whenever said words occur; of the excepted words not guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Agipito Mendoza, Apolonario Lantana, and Apolonio Garcia, and each of them, “To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Agipito Mendoza, Apolonario Lantano, and Apolonio Garcia, natives, who were jointly tried, the evidence conclusively shows that a band of outlaws, armed with rifles, talibones, and bolos, forcibly seized and carried away from their homes on or about March 2, 1900, Lorenza Soriano, Gelasio Jacobo, Arcadio Jacobo, Tasinto Echavarre, and Felipe Bacungan; that these accused were members of the band and participated in its criminal acts, the accused Agipito Mendoza being in command; that no trace has since been had of Arcadio Jacobo, Tasinto Echavarre, or Felipe Bacungan, but that the dead bodies of Lorenza Soriano and Gelasio Jacobo, mutilated with wounds that must in each case have resulted in death, were some three weeks later recovered in a well in the neighborhood, the identification being complete by reason of the clothing and articles found upon their bodies.

Of these accused, all of whom were represented by counsel, Agipito Mendoza and Apolonario Lantano attempted to prove an alibi, but failed to shake thereby the direct, positive testimony of the numerous eyewitnesses to the kidnapping. The accused Apolonio Garcia attempted no defense.

The evidence connecting these accused with the murder of Lorenza Soriano and Gelasio Jacobo is presumptive, but establishing, as it does, their participation in the forcible and criminal seizing and carrying away of these persons in their lifetime, who are not again seen or heard of by anyone outside of this band until their dead bodies were discovered in a well, covered with wounds, prove beyond a reasonable doubt that they are guilty of the murder of this man and woman in the manner as charged.

The sentences, which were approved by the department commander on July 26, 1900, are confirmed, and will be executed at the pueblo of Urdaneta, province of Pangasinan, Luzon, P. I., on the 23d day of November, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES

Manila, P. I., October 24, 1900.

General Orders, No. 104.

Before a military commission which convened at Capiz, Panay, P. I., pursuant to paragraph 2, Special Orders, No. 72, Headquarters Department of the Visayas, June 30, 1900, and of which Capt. Thomas W. Griffith, Eighteenth U. S. Infantry, was president, and Capt. David C. Shanks, Eighteenth U. S. Infantry, was judge-advocate, were arraigned and tried:

Severo Entialbo, Primo Tibis, Tomás Entialbo, Pedro Entialbo, and Francisco Estiqueta, natives.

CHARGE I.—“Accomplices and accessories before the fact in the crime of murder.”

Specification.—“In that on or about the 14th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Matagnop, pueblo of Dao, island of Pana, Philippine Islands, a place then, as now, under the military government of the United States, Severo Entialbo, Primo Tibis, Tomás Entialbo, Pedro Entialbo, and Francisco Estiqueta, all Filipino natives, as accomplices and accessories before the fact, in company of, and consorting with, a band of four other armed natives, to wit: Salvador Martesano, Angel Entialbo, Carlos Pareno, and Sotero Magbanua, as principals, did, all and each of them, feloniously and with evil intent, aid and abet the said principals, Salvador Martesano, Angel Entialbo, Carlos Pareno, and Sotero Magbanua, Filipino natives, in forcibly taking from her home, in or near the said barrio of Matagnop, a native woman, one Martina Pincao by name, and in binding the arms of the said Martina Pincao, and in compelling her, by threats or by force, to accompany them, the said principals, Salvador Martesano, Angel Entialbo, Carlos Pareno, and Sotero Magbanua, to the banks of the Panay River: and further, that the said Severo Entialbo, Primo Tibis, Tomás Entialbo, Pedro Entialbo, and Francisco Estiqueta, Filipino natives, as accomplices and accessories before the fact, did, all and each of them, feloniously and with evil intent, aid and abet the aforesaid Salvador Martesano, Angel Entialbo, Carlos Pareno, and Sotero Magbanua, Filipino natives, as principals, in feloniously, willfully, and with malice aforethought killing and murdering the said Martina Pincao by throwing her body into the said Panay River while her arms were bound as aforesaid, thereby then and there causing the death of the said Martina Pincao by drowning.

CHARGE II.—“Accomplices and accessories before the fact in the crime of assault with intent to kill.”

Specification.—“In that on or about the 14th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Matagnop, pueblo of Dao, island of Panay, Philippine Islands, a place then, as now, under the military government of the United States, Severo Entialbo, Primo Tibis, Tomás Entialbo, Pedro Entialbo, and Francisco Estiqueta, Filipino natives, as accomplices and accessories before the fact, in company of, and consorting with, a band of four other armed Filipino natives, to wit: Salvador Martesano, Angel Entialbo, Carlos Pareno, and Sotero Magbanua, as principals, did, all and each of them, feloniously and with evil intent, aid and abet the said principals, Salvador Martesano, Angel Entialbo, Carlos Pareno, and Sotero Magbanua, Filipino natives, in feloniously and forcibly taking from his home, in or near the said barrio of Matagnop, a native, one Victor Pere by name, and in binding the arms of the said Victor Pere, and compelling him, by force or by threats, to accompany them, the said principals, Salvador Martesano, Angel Entialbo, Carlos Pareno, and Sotero Magbanua, to the banks of the Panay River, for the purpose, then and there, of feloniously, willfully and with malice aforethought, killing and murdering the said Victor Pere, from which fate the said Victor Pere was able to escape only by jumping into the said Panay River, while his arms were still bound, thus escaping to the opposite bank.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—In the case of Severo Entialbo: Of the specification, first charge, “guilty, except the words found on lines 2, 3, 4, and 5 of page 3 of these proceedings, ‘Primo Tibis, Tomás Entialbo, Pedro Entialbo, and Francisco Estiqueta, Filipino natives, as accomplices and accessories before the fact, did, all and each of them,’ substituting therefor the words, ‘a Filipino native, as an accomplice and accessory before the fact, did;’ of the substituted words, guilty, and of the excepted words, not guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty.”

In the cases of Primo Tibis, Tomás Entialbo, Pedro Entialbo, and Francisco Estiqueta: Of the specification, first charge, “guilty so far as to include the words, ‘and in binding the arms of the said Martina Pincão,’ and of the remaining words of the specification, not guilty;” of the first charge, “not guilty, but guilty of assault with intent to do bodily harm;” of the specification, second charge, “guilty so far as to include the words, ‘and in binding the arms of the said Victor Pere,’ and of the remaining words of the specification not guilty;” of the second charge, “not guilty, but guilty of assault with intent to do bodily harm.”

SENTENCE.—And the commission does therefore sentence him, Severo Entialbo, a native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the members concurring therein.”

And the commission does therefore sentence them, Primo Tibis, Tomás Entialbo, Pedro Entialbo, and Francisco Estiqueta, Filipino natives, all and each of them, “to be confined at hard labor, at such place as the reviewing authority may designate, for the period of four (4) years.”

II. Sotero Magbanua, native.

CHARGE I.—“Murder.”

Specification.—“In that on or about the 14th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Matagnop, pueblo of Dao, island of Panay, Philippine Islands, a place then, as now, under the military government of the United States, one Sotero Magbanua, a native, in company of and consorting with a band of armed natives, to the number of eight, more or less, did forcibly take from her home, in or near the said barrio of Matagnop, a native woman, Martina Pincão by name, and, in company with a member or members of said band, did bind the arms of the said Martina Pincão, and by threats or by force did compel the said Martina Pincão to accompany the said band of natives to the banks of the Panay River, distant from her home some 200 yards, more or less; that while on the banks of the river the aforesaid Sotero Magbanua, or other member or members of the said band of natives, did feloniously, willfully, and with malice aforethought, inflict on the right side of the body, below the right arm of the said Martina Pincão, a cut with a bolo, or other sharp instrument, held in the hands of the said Sotero Magbanua, or in the hands of a member or members of the aforesaid band, with whom he was consorting; that while the arms of the said Martina Pincão were still bound, and after she had been wounded in the manner aforesaid, the said Sotero Magbanua, or other member or members of the band with whom he was consorting, did feloniously

willfully, and with malice aforethought, kill and murder the said Martina Pincao by throwing her body into the Panay River, thereby then and there causing the death of the said Martina Pincao by drowning."

CHARGE II.—"Assault with intent to kill."

Specification.—"In that on or about the 14th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Matagnop, pueblo of Dao, island of Panay, Philippine Islands, a place then, as now, under the military government of the United States, one Sotero Magbanua, a native, in company of and consorting with a band of armed natives, to the number of eight, more or less, did forcibly take from his home, in or near the said barrio of Matagnop, a native, one Victor Pere by name, and, in company with a member or members of said band, did bind the arms of the said Victor Pere, and, by threats or by force, did compel the said Victor Pere to accompany the said band to the banks of the Panay River for the purpose of feloniously, willfully, and with malice aforethought, then and there killing and murdering the said Victor Pere, from which fate the said Victor Pere escaped only by jumping into the said river while his arms were still bound, thus escaping to the opposite shore."

PLEAS.—To the specification, first charge, "not guilty;" to the first charge, "not guilty;" to the specification, second charge, "not guilty;" to the second charge "not guilty."

FINDINGS.—Of the specification, first charge, "guilty;" of the first charge "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Sotero Magbanua, a native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing cases of Severo Entialbo (who was jointly tried with Primo Tibis, Tomás Entialbo, Pedro Entialbo, Francisco Estiqueta) and Sotero Magbanua, natives, it appears from the records that a number of neighbors had assembled in the evening at the house of one Salvador to condole with him on the death by drowning of his "little boy." That at the suggestion of Salvador seven or eight men left his house and accompanied him to the house of Victor Pere, where, with the active assistance of these accused and two others of the party, Victor Pere and his wife Martina Pincao were taken by force, their arms bound behind them, and, with the threat that "the last day" of their "lives had come," were conducted to the Panay River, where the woman, first being struck by one of her assailants with a bolo, was thrust into the stream, from which her dead body, with pinioned arms and bearing the bolo wound, was recovered a few days later. The husband of the deceased, witnessing her murder and anticipating his own, sprang into the river and, notwithstanding his arms were tied, succeeded in swimming to the opposite shore. From his testimony, supported by other eyewitnesses, the facts attending the taking of the life of a helpless and unoffending woman, and the active part these accused took therein, as related, are proven beyond any reasonable doubt. The witnesses all agree that the motive for the crime was a superstitious belief that the murdered woman was a witch; the plain inference being that her ignorant assailants attributed to her the possession of occult powers whereby she had, in some mysterious way, brought to pass the death of Salvador's child.

The sentences, which were approved by the department commander, in the case of Sotero Magbanua on October 7, 1900, and in the case of Severo Entialbo on October 14, 1900, are confirmed; but upon his recommendation, based upon the exceedingly low order of intelligence, and, it may be added, blind superstition of these accused, the sentence in each case is mitigated to confinement at hard labor for the period of twenty years. As mitigated, the sentences will be duly executed at the Presidio de Manila to which place the prisoners will be sent under proper guard.

In the foregoing cases of Primo Tibis, Tomás Entialbo, Pedro, Entialbo, and Francisco Estiqueta, natives (jointly tried with Severo Entialbo), the sentences which were confirmed in each case by the department commander on the 14th day of October, 1900, will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 5, 1900.

General Orders, No. 110.

Before a military commission which convened at Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 110, headquarters

Department of Northern Luzon, August 15, 1900, and of which Maj. William H. Bishop, 36th Infantry, U. S. Volunteers, was president, and Capt. Warren H. Ickis, 36th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Luis Ordoná, alias Catubig, a native.

CHARGE I.—“Robbery.”

Specification 1.—“In that Luis Ordoná, alias Catubig, native, on or about June the 1st, 1899, a time of insurrection then, as now, against the lawful authority of the United States, in the pueblo of Aguilar, province of Pangasinan, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of twenty, more or less, commanded and led by the said Ordoná, did feloniously and forcibly take from the presence of Señora María Arenas, native, a quantity of clothing and jewelry, value not known, the property of the said María Arenas. This at the times and places above specified.”

Specification 2.—“In that Luis Ordoná, alias Catubig, native, on or about November 19, 1899, a time of insurrection then, as now, against the lawful authority of the United States, at or near the barrio of Abanum, pueblo of San Carlos, province of Pangasinan, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of twenty, more or less, commanded and led by the said Ordoná, did feloniously and forcibly take from the presence of Señora Antonina García, native, a quantity of money, jewelry, and other valuables, value unknown, the property of the said Antonina García. This at the times and places above specified.”

CHARGE II.—“Murder.”

Specification 1.—“In that Luis Ordoná, alias Catubig, native, on or about June 1, 1899, a time of insurrection then, as now, against the lawful authority of the United States, at or near the pueblo of Aguilar, province of Pangasinan, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of twenty, more or less, commanded and led by the said Ordoná, did feloniously and with malice aforethought kill and murder one Gregorio Arenas, native, by stabbing and cutting him, the said Arenas, with a bolo held in the hands of the said Ordoná, inflicting wounds therewith whereof he, the said Arenas, then and there died. This at the times and places above specified.”

Specification 2.—“In that Luis Ordoná, alias Catubig, native, on or about November 19, 1899, a time of insurrection then, as now, against the lawful authority of the United States, at the barrio of Abanum, pueblo of San Carlos, province of Pangasinan, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of twenty, more or less, commanded and led by the said Ordoná, did willfully, feloniously, and with malice aforethought kill and murder one Juan Rosario by shooting him, the said Juan Rosario, with a gun, and stabbing him, the said Juan Rosario, with a bolo held in the hands of the said Ordoná, and by cutting off the head of the said Rosario by the said Ordoná, and throwing same into the river, inflicting wounds therewith whereof he, the said Rosario, then and there died. This at the times and places above specified.”

PLEAS.—To the first specification, first charge, “not guilty;” to the second specification, first charge, “not guilty;” to the first charge, “not guilty;” to the first specification, second charge, “not guilty;” to the second specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—Of the first specification, first charge, “guilty, except the words, ‘commanded and led by the said Ordoná,’ and, of the excepted words, ‘not guilty;’” of the second specification, first charge, “guilty, except the words, ‘commanded and led by the said Ordoná,’ and, of the excepted words, not guilty;” of the first charge, “guilty;” of the first specification, second charge, “guilty, except the words, ‘commanded and led by the said Ordoná,’ and the words ‘the said Ordoná,’ substituting for said last-mentioned words ‘a member or members of said band,’ of the excepted words, not guilty, and, of the substituted words, guilty;” of the second specification, second charge, “guilty, except the words, ‘commanded and led by the said Ordoná,’ and of the words ‘by shooting him, the said Rosario, with a gun and,’ and of the excepted words, not guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Luis Ordoná, alias Catubig, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Luis Ordoná, alias Catubig, native, several policemen and other eye-witnesses agree in their testimony that an armed body of men, about 9 o'clock at night, entered the official residence of Gregorio Arenas, who was at the time presi-

dente of Aguilar, and placing all the other inmates under fear of death and removing them from the room in which said Arenas was held captive, then with bolos in their hands killed the said Arenas and by decapitation mutilated his body. The evidence is conclusive that the accused took an active and leading part in this bloody deed, and that in this and in the murder of Juan Rosario he and the band of outlaws and murderers with whom he consorted were actuated chiefly, if not solely, by a desire to rob the unoffending but reputedly rich men whose lives they took in each case by the savage and barbarous method of decapitation.

The sentence which was approved by the department commander on September 12, 1900, is confirmed and will be duly executed at the pueblo of Lingayen, province of Pangasinan, on the 7th day of December, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 6, 1900.

General Orders, No. 111.

Before a military commission which convened at Capiz, Panay, P. I., pursuant to paragraph 11, Special Orders, No. 72, Headquarters Department of the Visayas, June 30, 1900, and of which Capt. Thomas W. Griffith, Eighteenth U. S. Infantry, was president, and Capt. David C. Shanks, Eighteenth U. S. Infantry, was judge-advocate, was arraigned and tried: Pedro Lachica, a native.

CHARGE I.—“Robbery.”

Specification.—“In that on or about the 7th day of July, A. D. 1900, then, as now, a time of insurrection, at, or near, the barrio of Sigboguan, pueblo of Capiz, island of Panay, Philippine Islands, a place then, as now, under the military government of the United States, one Pedro Lachica, a Filipino native, in company of, and consorting with, a band of armed robbers, to the number of eleven, more or less, did feloniously and forcibly take, steal, and carry away fifty pesos (\$50), more or less, in Mexican currency, and clothes and jewelry of the value of two hundred pesos (\$200), more or less, Mexican currency, the property of Blas Beloño, Cipriana Arsiga, and Paulina Beloño.”

CHARGE II.—“Murder.”

Specification.—“In that on or about the 7th day of July, A. D. 1900, then, as now, a time of insurrection, at, or near, the barrio or Dinginan, of the pueblo of Capiz, island of Panay, Philippine Islands, a place then, as now, under the military government of the United States, one Pedro Lachica, a Filipino native, in company of, and consorting with, a band of armed robbers, to the number of eleven, more or less, did feloniously, willfully, and with malice aforethought, kill and murder one Blas Beloño, a Filipino native, by striking him a blow upon the neck with a bolo held in the hands of the said Pedro Lachica, or in the hands of other member or members of the said band with which he was consorting, from which said blow the said Blas Beloño then and there died.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Pedro Lachica, a native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the members concurring therein.”

In the foregoing case of Pedro Lachica, native, the accused admitted before the commission trying him he was one of a band of eleven men who, representing themselves to be policemen from Capiz, entered at nighttime several houses in a barrio of that pueblo, and, by threats and by firing of a rifle, forced the inmates to come out, tied the arms of the men behind their backs, beat them with bolos, robbed the houses of money, jewelry, and other valuables, and then departed taking their plunder and the men they had maltreated with them. After reaching the foothills of the mountains the band permitted all their captives to return except Blas Beloño. A little later, the same night, the dead body of Beloño was found, exhibiting fatal bolo wounds upon the head and about the neck and throat.

The death of the deceased, in the manner set forth, following so swiftly upon the time when it was known he was in the power of this band of ladrones, so intimately

connects each and every member of said band with this crime that the criminal responsibility of this accused therein is proven beyond all reasonable doubt.

The sentence, which was approved by the department commander on October 13, 1900, is confirmed, but, upon his recommendation, is mitigated to confinement at hard labor for the period of fifteen (15) years, and, as thus mitigated, will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 7, 1900.

General Orders, No. 112.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Maj. Joseph W. Duncan, Thirtieth U. S. Infantry, was president, and First Lieut. Harvey W. Miller, Thirtieth U. S. Infantry, was judge-advocate, was arraigned and tried Vicente Villaneuva, a native.

CHARGE I.—“Disturbing the peace.”

Specification.—“In that he, Vicente Villaneuva, a native and resident of pueblo of Urbaneta, province of Pangasinan, island of Luzon, P. I., did, on or about the 13th day of January, 1900, join and band himself with one Mariano Ari, and other natives, names and number unknown, and armed with a revolver and a sharp instrument, commonly called a bolo, did disturb the peace of the pueblo by entering the house of Tranquilino Castañeda, a native, and resident of Urdaneta, province of Pangasinan, island of Luzon, P. I., and by putting the said Castañeda in fear of his life by pointing his revolver at him, the said Castañeda, and threatening to kill him. This between 9 and 10 o'clock p. m. at the date and place specified, in time of insurrection against the authority of the United States and in territory occupied by United States forces.”

CHARGE II.—“Murder.”

Specification.—“In that he, Vicente Villaneuva, a native and a resident of the pueblo of Urdaneta, province of Pangasinan, island of Luzon, P. I., in company of, and consorting with, a band of armed natives, twenty more or less, did, on or about the 13th day of January, 1900, then, as now, a time of insurrection against the United States and in territory occupied by the United States forces, at Urdaneta, province of Pangasinan, island of Luzon, P. I., then, as now, a place under the military authority of the United States, feloniously, willfully, and with malice aforethought, kill and murder one Isidro Organo, a native, and resident of Urdaneta, province of Pangasinan, island of Luzon, P. I., by shooting him, the said Organo, through the body, inflicting a wound from which the said Organo died immediately or very soon thereafter. This between 9 and 10 o'clock p. m. at the date and place above specified.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Vicente Villaneuva, native, “To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Vicente Villaneuva, native, it appears of record that the accused was one of an armed band of outlaws that during the same night made two attempts to secure by force the person of one Tranquilino Castañeda, a fellow townsman of the accused, and that in the persistent endeavor to accomplish this felonious purpose, the men of the band fired upon peaceful citizens who through fear were fleeing from their presence, wounding one and killing Isidro Organo outright.

Having come together for a felonious purpose, each and every member of this band who was present is in law responsible for the acts of the man who fired the fatal shot; and because of the greater power for evil numbers so unlawfully banded together possess and by which they encourage and incite each other to commit their felonious purposes, they each and all the more richly deserve the penalty of death which the

law imposes. Beyond this joint responsibility, however, the accused took a leading part in this murder and was seen to aim and fire his rifle at the fleeing men.

The sentence, which was approved by the department commander on the 12th day of September, 1900, is confirmed and will be duly executed at the pueblo of Urdaneta, in the province of Pangasinan, island of Luzon, on the 23d day of November, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

S. D. STURGIS;
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 9, 1900.

General Orders, No. 114.

Before a military commission which convened at Capiz, Island of Panay, P. I., pursuant to paragraph II, Special Orders, No. 72, Headquarters Department of the Visayas, June 30, 1900, and of which Capt. Thomas W. Griffith, Eighteenth U. S. Infantry, was president, and Capt. David C. Shanks, Eighteenth U. S. Infantry, was judge-advocate, was arraigned and tried Romano Cortame, a native.

CHARGE.—“Murder.”

Specification 1.—“That on the 9th day of May, A. D. 1900, then, as now, a time of insurrection, at the Pueblo of Capiz, in the Province of Capiz, on the island of Panay, of the Philippine Islands, a place then, as now, under the military occupation and government of the United States, one Romano Cortame, a Filipino and a resident of said Province of Capiz, did feloniously, willfully, and with malice aforethought murder and kill one Francisco Palma, a Spaniard and resident of said Pueblo of Capiz, by then and there cutting and stabbing the said Francisco Palma with a knife, held in the hands of said Romano Cortame, then and there inflicting upon the said Francisco Palma divers cuts and wounds, by reason of which said wounds the said Francisco Palma died on the 10th day of May, 1900, at the said Pueblo of Capiz.”

Specification 2.—“That on the 9th day of May, A. D. 1900, then, as now, a time of insurrection, at the Pueblo of Capiz, in the Province of Capiz, on the island of Panay, of the Philippine Islands, a place then, as now, under the military occupation and government of the United States, one Romano Cortame, a Filipino and resident of said Province of Capiz, did feloniously, willfully, and with malice aforethought, murder and kill one Francisco Cacho, a Spaniard and resident of said Pueblo of Capiz, by then and there cutting and stabbing the said Francisco Cacho with a knife held in the hand of said Romano Cortame, then and there inflicting upon the said Francisco Cacho divers cuts and wounds, by reason of which cuts and wounds the said Francisco Cacho then and there died.”

Specification 3.—“That on the 9th day of May, A. D. 1900, then, as now, a time of insurrection, at the Pueblo of Capiz, in the Province of Capiz, on the island of Panay, of the Philippine Islands, a place then, as now, under the military occupation and government of the United States, one Romano Cortame, a Filipino and resident of said Province of Capiz, did feloniously, willfully, and with malice aforethought murder and kill one Balbino Abadia, a native and resident of said Pueblo of Capiz, by then and there cutting and stabbing the said Balbino Abadia with a knife held in the hand of said Romano Cortame, then and there inflicting upon the said Balbino Abadia divers cuts and wounds, by reason of which cuts and wounds the said Balbino Abadia then and there died.”

Additional charge and specification:

CHARGE.—“Assault with intent to kill.”

Specification.—“In that on the 9th day of May, A. D. 1900, then, as now, a time of insurrection, at the Pueblo of Capiz, Province of Capiz, island of Panay, of the Philippine Islands, a place then, as now, under the military government of the United States, one Romano Cortame, a native and resident of the said Pueblo of Capiz, did make a violent assault upon one Atilano Victoria, a native and resident of said Pueblo of Capiz, by then and there striking and cutting said Atilano Victoria with a knife held in the hand of the said Romano Cortame, then and there inflicting upon said Atilano Victoria divers cuts and wounds, with intent, then and there, feloniously, willfully, and with malice aforethought, to kill said Atilano Victoria.

PLEAS.—To the first specification, “not guilty;” to the second specification, “not guilty;” to the third specification, “not guilty;” to the charge, “not guilty;” to the specification, additional charge, “not guilty;” to the additional charge, “not guilty.”

FINDINGS.—Of the first specification, “guilty;” of the second specification, “guilty;” of the third specification, “guilty;” of the charge, “guilty;” of the specification, additional charge, “guilty;” of the additional charge, “guilty.”

SENTENCE.—And the commission does, therefore, sentence him, Romano Cortame, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Romano Cortame, native, the accused in his confession in open court said: “It was not my intention to kill anyone but Atilano. He was the cause of all my trouble. If anything happened at the ice plant, whether I did it or not, he would always inform Señor Palma against me.”

The accused also confessed that because Balbino interfered with his efforts to kill Atilano he pursued and killed Balbino, and because Señores Cacho and Palma happened to be in his way on the street as he was trying to escape he killed them also.

The evidence appearing of record reveals the details of this triple murder and fully confirms the confession of the accused.

The sentence, which was approved by the department commander on August 25, 1900, is confirmed, and will be duly executed at the pueblo of Capiz, province of Capiz, Panay, P. I., on the fourteenth (14th) day of December, A. D. 1900, under the direction of the commanding general, Department of the Visayas.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 13, 1900.

General Orders, No. 115.

Before a military commission which convened at Binalonan, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 40, Headquarters Department of Northern Luzon, May 31, 1900, and of which Capt. Frederick S. Wild, Thirteenth U. S. Infantry, was president, and Capt. Arthur Johnson, adjutant, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried:

Catalino Untalan, Feliciano Cortes, Juan Seguig, Alberto Marana, Melicio Gayiton, and Ambrosio Zuelacio, natives.

CHARGE I.—“Kidnaping.”

Specification.—“In that they, Catalino Untalan, Feliciano Cortes, Juan Seguig, and Alberto Marana, natives, and residents of Urdaneta, Province of Pangasinan, Island of Luzon, P. I., and Ambrosio Zuelacio and Melicio Gayiton, natives, and residents of Manaoag, Province of Pangasinan, Island of Luzon, P. I., and each of them did, on or about March 2, 1900, then, as now, a time of insurrection, in the barrio of Tolong, Pueblo of Urdaneta, Province of Pangasinan, Island of Luzon, P. I., a place then, as now, under the military authority of the United States, band themselves together and with others, to wit, Apolinario Lantanao, Apolonio Ysla, and Mariano Ari, natives, present whereabouts unknown, and armed with rifles, and sharp instruments commonly called bolos, did enter certain houses in the said barrio of Tolong, and feloniously assault, seize, bind, and carry away the persons of Lorenza Soriano, Arcadio Jacobo, Tasinto Echavarre, Felipe Bacungan, and Gelasio Jacobo against their will and consent. This at the time and place above specified.”

CHARGE II.—“Murder.”

Specification.—“In that they, Catalino Untalan, Feliciano Cortes, Juan Seguig, and Alberto Marana, natives, and residents of Urdaneta, Province of Pangasinan, Island of Luzon, P. I., and Ambrosio Zuelacio and Melicio Gayiton, natives, and residents of Manaoag, Province of Pangasinan, Island of Luzon, P. I., and each of them did, on or about March 2, 1900, then, as now, a time of insurrection against the United States, at the barrio of Tolong, Urdaneta, Province of Pangasinan, Island of Luzon, P. I., then, as now, a place under the military authority of the United States, feloniously, willfully, and with malice aforethought, kill and murder the following persons, to wit, Lorenza Soriano, Arcadio Jacobo, Tasinto Echavarre, Felipe Bacungan, and Gelasio Jacobo, by inflicting wounds, instrument or instruments unknown, from which said Arcadio and Gelasio Jacobo, Lorenza Soriano, Tasinto Echavarre, and Felipe Bacungan then and there died. This at the time and place above specified.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, except the words ‘to wit, Apolinario Lantanao, Apolonio Ysla, and Mariano Ari,’ and of the excepted words not guilty.”

Of the first charge, “guilty.”

Of the specification, second charge, “guilty, except the words ‘Arcadio Jacobo, Tasinto Echavarre, and Felipe Bacungan,’ the words ‘Arcadio and,’ the words ‘Tasinto Echavarre and Felipe Bacungan,’ of the excepted words not guilty.”

Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Catalino Untalan, Feliciano Cortes, Juan Seguig, Alberto Marana, Melicio Gayiton and Ambrosio Zuelacio, and each of them, "To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Catalino Untalan, Feliciano Cortes, Juan Seguig, Alberto Marana, Melicio Gayiton, and Ambrosio Zuelacio, natives, who were jointly tried, the evidence conclusively shows that a band of outlaws armed with rifles, talibones, and bolos, forcibly seized and carried away from their homes, on or about March 2, 1900, Lorenza Soriano, Gelasio Jacobe, Arcadio Jacobe, Tasinto Echavarre, and Felipe Bacungan; that these accused were members of the band and participated in its criminal acts, the accused, Catalino Untalan, taking an active and leading part; that no trace has since been had of Arcadio Jacobe, Tasinto Echavarre, or Felipe Bacungan, but that the dead bodies of Lorenza Soriano and Gelasio Jacobe, mutilated with wounds that must in each case have resulted in death, were some three weeks later recovered in a well in the neighborhood, the identification being complete by reason of the clothing and articles found upon their bodies.

The evidence connecting these accused with the forcible and criminal seizing and carrying away of Lorenza Soriano and Gelasio Jacobe is direct and positive and so intimately connects them with the murder of these persons as to leave no reasonable doubt of their guilt in the manner charged.

The sentences, which were approved by the department commander on the 4th day of September, 1900, are confirmed, and in the case of Catalino Untalan, will be executed at the pueblo of Urdaneta, Province of Pangasinan, Luzon, P. I., on the 23d day of November, A. D. 1900, under the direction of the commanding general, department of Northern Luzon.

In the case of Feliciano Cortes, the sentence as confirmed is mitigated to confinement at hard labor for the period of his natural life; and in the cases of Juan Seguig, Alberto Marana, Melicio Gayiton, and Ambrosio Zuelacio, the sentences as confirmed are mitigated to confinement at hard labor for the term of twenty years (20), and the sentences, as thus mitigated, will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 14, 1900.

General Orders, No. 116.

Before a military commission which convened at Capiz, island of Panay, P. I., pursuant to Paragraph II, Special Orders, No. 72, Headquarters Department of the Visayas, June 30, 1900, and of which Capt. Thomas W. Griffith, Eighteenth U. S. Infantry, was president, and Capt. David C. Shanks, Eighteenth U. S. Infantry, was judge-advocate, was arraigned and tried Felipe de la Peña, native.

CHARGE I.—"Arson."

Specification 1.—"In that, on or about the 23d day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Panitan, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Felipe de la Peña, a native, in company of, and consorting with, a band of armed robbers to the number of thirty-five (35), more or less, of which said band the said Felipe de la Peña was the leader and in command, did willfully, maliciously, and feloniously set fire to and burn the dwelling house of one Don Basilio Dadivas y Dones."

Specification 2.—"That on or about the 6th day of July, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Panitan, island of Panay, P. I., a place then, as now, a part of the territory of the United States and under its military government, one Felipe de la Peña, a native, in company of, and consorting with, a band of armed robbers to the number of thirty-five (35), more or less, and of which said band the said Felipe de la Peña was the leader and in command, did willfully, maliciously, and feloniously set fire to and burn the dwelling house of one Ysidoro Dadivas Dias."

Specification 3.—"In that, on or about the 23d day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Panitan, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its mil-

itary government, one Felipe de la Peña, a native, in company of, and consorting with, a band of armed robbers to the number of thirty-five (35), more or less, and of which said band the said Felipe de la Peña was the leader and in command, did willfully, maliciously, and feloniously set fire to and burn the dwelling house of one Domingo Dalid."

Specification 4.—"In that, on or about the 23d day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Panitan, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Felipe de la Peña, a native, in company of, and consorting with, a band of armed robbers to the number of thirty-five (35), more or less, and of which said band the said Felipe de la Peña was the leader and in command, did willfully, maliciously, and feloniously set fire to and burn the dwelling house of one Ysidoro Dadvias Dias."

CHARGE II.—"Burglary."

Specification 1.—"In that, on or about the 23d day of July, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Panitan, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Felipe de la Peña, a native, in company of, and consorting with, a band of armed robbers, to the number of thirty-five (35), more or less, and of which said band the said Felipe de la Peña was the leader and in command, did feloniously and burglariously break and enter a dwelling house of one Ysidoro Dadvias Dias, and did then and there take, steal, and carry away from the said dwelling house of the said Ysidoro Dadvias Dias certain articles of clothing, the property of the said Ysidoro Dadvias Dias, valued at \$6 Mexican currency, more or less."

CHARGE III.—"Robbery."

Specification.—"In that, on or about the 23d day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Panitan, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Felipe de la Peña, a native, in company of, and consorting with, a band of armed robbers, to the number of thirty-five (35), more or less, and of which band the said Felipe de la Peña was the leader and in command, did feloniously and forcibly take, steal, and carry away two (2) carabaos of the value of eighty dollars (\$80.00), more or less, and the property of Ysidoro Dadvias Dias."

PLEAS.

To the first specification, first charge, "not guilty."
 To the second specification, first charge, "not guilty."
 To the third specification, first charge, "not guilty."
 To the fourth specification, first charge, "not guilty."
 To the first charge, "not guilty."
 To the specification, second charge, "not guilty."
 To the second charge, "not guilty."
 To the specification, third charge, "not guilty."
 To the third charge, "not guilty."

FINDINGS.

Of the first specification, first charge, "not guilty."
 Of the second specification, first charge, "guilty."
 Of the third specification, first charge, "guilty."
 Of the fourth specification, first charge, "guilty."
 Of the first charge, "guilty."
 Of the specification, second charge, "not guilty."
 Of the second charge, "not guilty."
 Of the specification, third charge, "guilty."
 Of the third charge, "guilty."

SENTENCE.

And the commission does therefore sentence him, Felipe de la Peña, a native, "To be confined at hard labor, at such place as the reviewing authority may direct, for a period of twenty (20) years."

In the foregoing case of Felipe de la Peña, native, no evidence appears of record in support of the finding upon the second specification of the first charge, which is disapproved; but it is conclusively shown that, on or about the middle of June, a band

of twenty natives, more or less, armed with lances, spears, and bolos, entered the barrio of Calaan in the pueblo of Panitan and burned two dwellings, setting fire to one after the frightened inmates had come out, and to the other to compel them to do so; that they then tied and whipped said inmates—men, women and children alike—and, leaving them bound and helpless, departed, taking with them two carabaos.

Three witnesses agree that the accused was present and, as the leader of the band, gave the orders for these acts of robbery and arson.

The sentence, which was approved by the department commander on October 29, 1900, is confirmed, and will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 19, 1900.

General Orders, No. 120.

Before a military commission which convened at Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 110, Headquarters Department of Northern Luzon, August 15, 1900, and of which Maj. William H. Bishop, 36th Infantry, U. S. Volunteers, was president, and Capt. Warren H. Ickis, 36th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

I. Mariano Castillo, alias Macabat, a native.

CHARGE I.—“Organizing and leading a band of armed outlaws, contrary to the laws and usages of war.”

Specification.—“In that he, Mariano Castillo, alias Macabat, did organize and style himself leader of a band of armed outlaws, under the name of ‘Guardia de Honor,’ and did enlist, for the purpose of plunder, robbery, murder, and assassination, certain natives to the number of fifty (50), more or less, in and near the barrio of Cabaan, pueblo of Anda, province of Zambales, P. I.

“This at or near the place specified, a place then, as now, within the theater of active military operations by United States troops, during the months of January, February, and March, 1900, a time then, as now, of insurrection against the United States.”

CHARGE II.—“Murder.”

Specification.—“In that he, Mariano Castillo, alias Macabat, as leader of a band of armed outlaws, did willfully, feloniously, and with malice aforethought kill and murder one Francisco Fernandez, a native, by cutting and hacking said Fernandez with a bolo or bolos held in the hands of a member or members of said band, inflicting wounds with said bolo or bolos whereof the said Fernandez then and there died, at the barrio of Pangascasan, pueblo of Sual, province of Pangasinan, P. I. This on or about February 1, 1900, a time then, as now, of insurrection against the United States, and in the theater of active military operations by the United States troops, and occupied by United States forces.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Mariano Castillo, alias Macabat, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

II. Paustino Pascoa, a native.

CHARGE I.—“Murder.”

Specification.—“In that he, Paustino Pascoa, a native, on or about February 1, 1900, then, as now, a time of insurrection against the lawful authority of the United States, at or near the sitio of Logolog, barrio of Pangascasan, pueblo of Sual, province of Pangasinan, P. I., a place then, as now, in the theater of active military operations, in company of, and consorting with, a band of armed outlaws, terming themselves ‘Guardia de Honor,’ under the leadership of one Mariano Castillo, did willfully, feloniously, and with malice aforethought, as an officer of said ‘Guardia de Honor,’ order the killing and murdering of one Francisco Fernandez by causing him, the said Fernandez, to be tied and bound so as to render him, the said Fernandez,

helpless, and did cause him to be cut, slashed, and mutilated by ordering one Pioquinto de Jesus to cut him, the said Fernandez, with a bolo held in the hands of said de Jesus, and wherewith wounds were inflicted whereof he, the said Fernandez, then and there died."

"This at the times and places above specified."

PLEAS.—To the specification, "guilty, except as to the words 'willfully, feloniously, and with malice aforethought,' and as to the excepted words not guilty." To the charge, "not guilty."

FINDINGS.—Of the specification, "guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Paustino Pascoa, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

III. Pioquinto de Jesus, a native.

CHARGE.—"Murder."

Specification.—"In that he, Pioquinto de Jesus, a native, on or about February 1, 1900, then, as now, a time of insurrection against the lawful authority of the United States, at or near the sitio of Logolog, barrio of Pangascasan, pueblo of Sual, province of Pangasinan, P. I., a place then, as now, in the theater of active military operations, in company of, and consorting with, a band of armed outlaws, terming themselves 'Guardia de Honor,' under the leadership of one Mariano Castillo, did tie and bind one Francisco Fernandez, native, thereby rendering him entirely helpless, then did willfully, feloniously, and with malice aforethought kill and murder said Fernandez, by cutting him, the said Fernandez, with a bolo held in the hands of said Pioquinto de Jesus, inflicting wounds therewith whereof he, the said Fernandez, then and there died. This at the times and places above specified."

PLEAS.—To the specification, "guilty, except as to the words, 'willfully, feloniously, and with malice aforethought,' and as to the excepted words not guilty." To the charge, "guilty."

FINDINGS.—Of the specification, "guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Pioquinto de Jesus, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

IV. Rufino Bacarizas, a native.

CHARGE.—"Murder."

Specification.—"In that he, Rufino Bacarizas, a native, on or about February 1, 1900, then, as now, a time of insurrection against the lawful authority of the United States, at or near the sitio of Logolog, barrio of Pangascasan, pueblo of Sual, Pangasinan, P. I., a place then, as now, in the theater of active military operations, in company of, and consorting with, a band of armed outlaws, terming themselves 'Guardia de Honor,' under the leadership of one Mariano Castillo, alias Macabat, did willfully, feloniously, and with malice aforethought kill and murder one Francisco Fernandez, by stabbing and cutting said Fernandez with bolos held in the hands of members of said outlaws, inflicting wounds therewith whereof the said Fernandez then and there died. This at the times and places above specified."

PLEAS.—To the specification, "guilty, except to the words 'willfully, feloniously, and with malice aforethought,' and to the excepted words, not guilty." To the charge, "not guilty."

FINDINGS.—Of the specification, "guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Rufino Bacarizas, native, "To be hanged by the neck until he is dead, at such time and place as may be fixed by the reviewing authority, two-thirds of the members concurring therein."

In the foregoing cases of Mariano Castillo, alias Macabat, Paustino Pascoa, Pioquinto de Jesus, and Rufino Bacarizas, natives, the evidence of many witnesses, including the confessions of three of the accused before the commission trying them, makes it conclusive beyond all reasonable doubt that the accused belonged to an organized band which, under the assumed style of "Guardia de Honor," had for its declared object the exercise of unlawful power, and, as the murder of their peaceful and unoffending victim in this case exemplifies, if found necessary to gratify either a desire for revenge against anyone falling under their displeasure or a feeling of envy against the rich, to resort to the foul crime of assassination. The evidence reveals the orderly methods of the band in first issuing through its chief, Mariano Castillo, alias Macabat, the order to kill, in the employment of force through a detail of men, of which the defendant Rufino Bacarizas was one, led by the defendant Paustino Pascoa, to kidnap their selected victim, and in the designation of an executioner in the person of the defendant Pioquinto de Jesus, to deliver with a bolo the fatal blows whereof said victim did at once die.

These inhuman methods remove all the participants, whether chief or willing fol-

lower of the band, from the pale of the law, and place them among that class of cowardly and secret assassins which all civilized men the world over hold to be enemies of mankind.

The sentences which were approved by the Department Commander on the 6th day of September, 1900, are confirmed, and will be duly executed at the pueblo of Sual, province of Pangasinan, Luzon, P. I., on the twenty-first (21st) day of December, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 24, 1900.

General Orders, No. 125.

Before a military commission which convened at San Isidro, Province of Zambales, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 110, Headquarters Department of Northern Luzon, August 15, 1900, and of which Maj. William H. Bishop, Thirty-sixth Infantry, U. S. Volunteers, was president, and Capt. Warren H. Ickis, Thirty-sixth Infantry, was judge-advocate, were arraigned and tried:

Leon Pascual and Paulino Madarang, natives.

CHARGE I.—“Murder.”

Specification 1.—“In that Leon Pascual and Paulino Madarang, natives, and each of them, in company of, and consorting with, a band of armed outlaws to the number of fifteen more or less, at or near the pueblo of Infanta, Province of Zambales, Luzon, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought, kill and murder Mamerto Mirador, a native, by striking the said Mirador with a bolo held in the hands of members of said band. This at or near Infanta, Province of Zambales, Luzon, P. I., on or about February 14, 1899.”

Specification 2.—“In that Leon Pascual and Paulino Madarang, natives, and each of them, in company of, and consorting with, a band of armed outlaws to the number of fifteen more or less, at or near the pueblo of Infanta, Province of Zambales, Luzon, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder Adriano Mayor, a native, by striking said Mayor with a bolo, held in the hands of members of said band. This at or near Infanta, Province of Zambales, Luzon, P. I., on or about February 10, 1899.”

Specification 3.—“In that Leon Pascual and Paulino Madarang, natives, and each of them, in company of, and consorting with, a band of armed outlaws to the number of fifteen more or less, at the pueblo of Infanta, Province of Zambales, Luzon, P. I., and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder Estevan Mapa, a native, by striking the said Mapa with a bolo, held in the hands of members of said band. This at or near Infanta, Province of Zambales, P. I., on or about February 10, 1899.”

CHARGE II.—“Robbery.”

Specification.—“In that Leon Pascual and Paulino Madarang, natives, and each of them, on or about February 20, 1899, then, as now, a time of insurrection, at or near the pueblo of Infanta, Province of Zambales, Luzon, P. I., did feloniously and forcibly take from the presence of Catalino Moss, a native, a quantity of money, to the value of thirty (30) pesos, Mexican money, more or less, the property of said Catalino Moss. This at the times and places above specified.”

PLEAS.—To the first specification, first charge, “not guilty;” to the second specification, first charge, “not guilty;” to the third specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty.”

FINDINGS.

Leon Pascual.

Of the first specification, first charge, “guilty;” of the second specification, first charge, “not guilty;” of the third specification, first charge, “not guilty;” of the first charge, “guilty;” of the specification, second charge, “not guilty;” of the second charge, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Leon Pascual, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

Paulino Madarang.

Of the first specification, first charge, “not guilty;” of the second specification, first charge, “not guilty;” of the third specification, first charge, “not guilty;” of the first charge, “not guilty;” of the specification, second charge, “not guilty;” of the second charge, “not guilty.”

SENTENCE.—And the commission does therefore acquit him, Paulino Madarang, native.

In the foregoing case of Leon Pascual and Paulino Madarang, natives, it appears from the testimony of many witnesses that an armed band of outlaws entered the pueblo of Infanta at night, and, surrounding the house of Mamerto Mirador, three of their number forced an entrance, and with bolos in their hands and with threats of death assailed said Mirador, who, defending himself, repelled his assailants; whereupon the band set fire to the house thus forcing their victim to come out, when the band rushed upon him, and, striking him down with their bolos, took his life.

Leon Pascual, one of the accused, was recognized by the inmates as one of the three men who entered the house and assailed the deceased.

The evidence also clearly shows that Adriano Mayor and Estevan Mapa were, at the same time, taken by force by these outlaws from their homes in Infanta; that they had not since been seen in life, and that the remains of two men were later found unburied in the forest and articles of their clothing recognized with sufficient certainty to leave no reasonable doubt of the murder of the men named at the hands of this band of outlaws.

The sentence in the case of Leon Pascual, native, which was approved by the department commander on the 31st day of October, 1900, is confirmed, but, upon his recommendation, is mitigated to imprisonment at hard labor for the period of his natural life, and, as thus mitigated, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 24, 1900.

General Orders, No. 126.

Before a military commission which convened at Capiz, island of Panay, P. I., pursuant to Paragraph II, Special Orders, No. 72, Headquarters Department of the Visayas, June 30, 1900, and of which Capt. Thomas W. Griffith, 18th U. S. Infantry, was president, and Capt. David C. Shanks, 18th U. S. Infantry, was judge-advocate, was arraigned and tried Mariano Anton, native.

CHARGE I.—“Highway robbery.”

Specification 1.—“In that, on or about the 16th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Dao, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Mariano Anton, a native, in company of, and consorting with, a band of armed outlaws, commonly called ladrones, did feloniously take, steal, and carry away thirty-five (35) cavans of palay, valued at about eighty-seven dollars and fifty cents (\$87.50) in Mexican currency, from the following-named parties, to wit: Don Sebadino Barona, Juan Esfoma, and Ambrosio Benondo.”

Specification 2.—“In that, on or about the 23d day of June, A. D. 1900, then, as now, a time of insurrection, near the pueblo of Dao, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Mariano Anton, a native, in company of, and consorting with, a band of armed outlaws, commonly called ladrones, did feloniously and forcibly take, steal, and carry away two (2) carabaos, valued at about eighty (80) dollars, Mexican currency, from and the property of the following-named parties, to wit: Don Juan Fimalino and Don Iban Jelista.”

Specification 3.—“In that, on or about the 20th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Dao, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Mariano Anton, a native, in company of, and consorting with, a band of armed outlaws, commonly called ladrones, did feloniously and forcibly take, steal, and carry away the sum of two hundred (200) dollars, Mexican currency, the property of one Sabas Escotin.”

Specification 4.—"In that, on or about the 29th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Dao, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Mariano Anton, a native, in company of, and consorting with, a band of armed outlaws, commonly called ladrones, did feloniously and forcibly take, steal, and carry away three (3) carabaos, valued at about fifty dollars (\$50), Mexican currency, the property of one Nicolasa Campos."

CHARGE II.—"Arson."

Specification 1.—"In that, on or about the 16th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Dao, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Mariano Anton, a native, in company of, and consorting with, a band of armed outlaws, commonly called ladrones, did willfully and maliciously and feloniously set fire to and burn a dwelling house, the property of Vicente Estimós and Don Simon Firmaline."

Specification 2.—"In that, on or about the 29th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Dao, island of Panay, P. I., a part of the territory of the United States, and under its military government, one Mariano Anton, a native, in company of, and consorting with, a band of armed outlaws, commonly called ladrones, did willfully, maliciously, and feloniously set fire to and burn a dwelling house, the property of one Nicolasa Campos."

CHARGE III.—"Assault with intent to kill."

Specification 1.—"In that, on or about the 1st day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Dao, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Mariano Anton, a native, in company of, and consorting with, a band of armed outlaws, commonly called ladrones, did make a violent assault upon one Tomas Aleligay by then and there cutting the said Tomas Aleligay with bolos, held in the hands of the said Mariano Anton, and in the hands of the members of the said band of ladrones, with the intent then and there willfully, feloniously, and with malice aforethought to murder and kill the said Tomas Aleligay."

Specification 2.—"In that, on or about the 29th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Dao, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Mariano Anton, a native, in company of, and consorting with, a band of armed outlaws, commonly called ladrones, did cause one of the said ladrones, who was armed with a Remington rifle, to fire upon the police of the said pueblo of Dao, with the intent then and there to willfully, maliciously, and feloniously murder and kill the said police of Dao, the said police being then and there in the performance of their duty in attempting to arrest the said Mariano Anton."

PLEAS.

To the first specification, first charge, "not guilty."
 To the second specification, first charge, "not guilty."
 To the third specification, first charge, "not guilty."
 To the fourth specification, first charge, "not guilty."
 To the first charge, "not guilty."
 To the first specification, second charge, "not guilty."
 To the second specification, second charge, "not guilty."
 To the second charge, "not guilty."
 To the first specification, third charge, "not guilty."
 To the second specification, third charge, "not guilty."
 To the third charge, "not guilty."

FINDINGS.

Of the first specification, first charge, "guilty."
 Of the second specification, first charge, "not guilty."
 Of the third specification, first charge, "not guilty."
 Of the fourth specification, first charge, "guilty."
 Of the first charge, "guilty."
 Of the first specification, second charge, "guilty, except the words 'and Don Simon Firmaline,' and of the excepted words, not guilty."
 Of the second specification, second charge, "not guilty."
 Of the second charge, "guilty."
 Of the first specification, third charge, "guilty, except the words 'by then and there cutting the said Tomas Aleligay,' and of the excepted words, not guilty."

Of the second specification, third charge, "not guilty."
 Of the third charge, "guilty."

SENTENCE.

And the commission does therefore sentence him, Mariano Anton, a native, "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

In the foregoing case of Mariano Anton, native, it appears by the evidence that the accused was a leader of a band of about thirty men armed with bolos and at least one rifle, which was apparently more especially employed to terrify the people they intended to rob. The accused admitted that he was "chief of the bands in the neighborhood," that he had been appointed as such "by order of General Diocno," but denied all participation in the offenses charged against him.

The positive testimony of the owners that they recognized the accused with the band when their property was taken from them by force and threats of violence, leaves no reasonable doubt of his guilt as found by the military commission.

The sentence, which was approved by the department commander on the 18th day of October, 1900, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 26, 1900.

General Orders, No. 129.

Before a military commission which convened at Santa Cruz, Province of Laguna, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 130, Headquarters Department of Southern Luzon, August 20, 1900, and of which Major Thomas G. Carson, 11th Cavalry, U. S. Volunteers, was president, and 1st Lieutenant Blanton Winship, 29th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Juan Corbite, a native.

CHARGE.—"Violation of the laws of war."

Specification 1.—"In that Juan Corbite, native, having on the 25th day of April, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States as follows, to wit: 'I solemnly swear that I will bear myself with truth, sincerity and loyalty toward the United States of America, and that I will serve them against all their enemies whomsoever, without evasion or reservation;' such oath of allegiance having been thoroughly explained to and understood by him, did violate said oath of allegiance by taking up arms against the United States as a lieutenant in Captain Dimayuga's company in the insurgent army, an organization engaged in insurrection against the lawfully constituted authority of the United States. This in time of insurrection in Laguna Province, Luzon, P. I., a place under the military government of the United States, in the month of May, 1900."

Specification 2.—"In that Juan Corbite, native, having on the 25th day of April, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States as follows, to wit: 'I solemnly swear that I will bear myself with truth, sincerity and loyalty toward the United States of America, and that I will serve them against all their enemies whomsoever, without evasion or reservation;' such oath of allegiance having been thoroughly explained to and understood by him, did violate said oath of allegiance by taking command of, and consorting with, an armed party of insurgents, said armed party being a part of an organization engaged in insurrection against the lawfully constituted authority of the United States. This in time of insurrection, at or near the barrio of Talongos, Province of Laguna, Luzon, P. I., a place under the military government of the United States, on or about the 26th day of May, 1900."

Specification 3.—"In that Juan Corbite, native, having on the 25th day of April, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States as follows, to wit: 'I solemnly swear that I will bear myself with truth, sincerity and loyalty toward the United States of America, and that I will serve them against all their enemies whomsoever, without evasion or reservation;' such oath of allegiance having been thoroughly explained to and understood by him, did violate said oath of allegiance by participating with an armed party of insurgents, said armed party being a part of an organization engaged in insurrection against the lawfully constituted authority of the United States, in an attack upon the town of Magdalena, P. I.,

a place garrisoned by United States troops. This in time of insurrection, in the province of Laguna, P. I., a place under the military government of the United States, on or about the night of May 29, 1900."

Specification 4.—"In that Juan Corbite, native, having on the 25th day of April, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States as follows, to wit: 'I solemnly swear that I will bear myself with truth, sincerity and loyalty toward the United States of America, and that I will serve them against all their enemies whomsoever, without evasion or reservation;' such oath of allegiance having been thoroughly explained to and understood by him, did violate said oath of allegiance by participating with an armed party of insurgents, said armed party being part of an organization engaged in insurrection against the lawfully constituted authority of the United States, in an engagement against United States forces. This in time of insurrection, in the province of Laguna, Luzon, P. I., a place under the military government of the United States, on or about the 18th day of July, 1900."

Specification 5.—"In that Juan Corbite, native, having, in company with other armed natives, entered the house of Pedro Buenabentura, a peaceable native, did, by means of violence and putting in fear, forcibly and against his will, compel said Buenabentura to join the insurgent army, an organization engaged in insurrection against the lawfully constituted authority of the United States. This in time of insurrection, at or near Bolonae, a barrio of Magdalena, Province of Laguna, Luzon, P. I., a place under the military government of the United States, on or about the 23d day of May, 1900."

Specification 6.—"In that Juan Corbite, native, having, in company with other armed natives, entered the house of Hermanchildo de Austria, a peaceable native, did, by means of violence and putting in fear, forcibly and against his will, compel the said Austria to join the insurgent army, an organization engaged in insurrection against the lawfully constituted authority of the United States. This in time of insurrection, in the Province of Laguna, Luzon, P. I., a place under the military government of the United States, in the month of May, 1900."

Specification 7.—"In that Juan Corbite, a native, in company with other armed natives, did enter the house of Benecio Buenabentura, a peaceable native, and feloniously and forcibly bind the hands and carry away the person of the said Buenabentura, and, by means of violence and putting in fear, seek to compel the said Buenabentura to join the insurgent army, an organization engaged in insurrection against the lawfully constituted authority of the United States. This in time of insurrection, in the Province of Laguna, Luzon, P. I., a place under the military government of the United States, in the month of May, 1900."

PLEAS.—To the first specification, "not guilty;" to the second specification, "not guilty;" to the third specification, "not guilty;" to the fourth specification, "not guilty;" to the fifth specification, "not guilty;" to the sixth specification, "not guilty;" to the seventh specification, "not guilty." To the charge, "not guilty."

FINDINGS.—Of the first specification, "guilty;" of the second specification, "guilty;" of the third specification, "guilty;" of the fourth specification, "not guilty;" of the fifth specification, "guilty;" of the sixth specification, "guilty;" of the seventh specification, "not guilty;" of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Juan Corbite, native, "To be hanged by the neck until he be dead, two-thirds of the members of the commission concurring therein."

In the foregoing case of Juan Corbite, native, it appears from the testimony of three officers of the army that the accused had been arrested at his own home and confessed that he was a "teniente" in the insurgent forces, but claimed he had deserted said forces and desired "to be a friend of the Americans," and thereupon had voluntarily offered to take the oath of allegiance to the United States. This he was not permitted to do until, with painstaking care, the full meaning of said oath and the extreme penalty of death to which its violation would render him liable had been imparted to him in both the Spanish and Tagalog languages. A few days following his subscribing the oath the accused, taking advantage of the personal liberty accorded him, disappeared and, as is conclusively shown by the testimony of several natives thereafter serving under him, returned to his company, and, in the execution of his office as "teniente" in the insurgent forces, reengaged in active warfare against the military forces of the United States.

The sentence which was approved by the department commander on the 14th day of September, 1900, is confirmed, but is mitigated to confinement at hard labor for the period of ten (10) years, and, as thus mitigated, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 26, 1900.

General Orders, No. 130.

Before a military commission which convened at Tuguegarao, province of Cagayan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 43, Headquarters Department of Northern Luzon, June 6, 1900, and of which Col. William H. Beck, Forty-ninth Infantry, United States Volunteers, was president, and Maj. Robert Gage, Forty-ninth Infantry, United States Volunteers, was judge-advocate, was arraigned and tried Capt. Tiburcio de los Reyes, of the Filipino insurgent army.

CHARGE.—“Violation of the laws of war.”

Specification 1.—“In that Tiburcio de los Reyes of the insurgent army did, in time of insurrection, organize and command in the territory occupied by the army of the United States and under the military laws of the United States, armed squads of men not in the uniform of the Filipino insurgent, for the purpose of fighting, robbing, and plundering the citizens of the island of Luzon, P. I. This at, or near, Tuguegarao, Luzon, P. I., during the month of May, 1900.”

Specification 2.—“In that Capt. Tiburcio de los Reyes of the Filipino insurgent army did, in the time of insurrection, bear arms as a war rebel against the United States and in the territory occupied by the army of the United States, and did lead in attack against the town of Tuguegarao, P. I. This near Tuguegarao, Luzon, P. I., on or about May 20, 1900.”

Specification 3.—“In that Capt. Tiburcio de los Reyes of the Filipino insurgent army did, in time of insurrection, cause to be written, dictate, and did sign in person, as adjutant to Col. T. Philipi, of the Filipino army, the following threatening and rebellious letter:

“‘To the Presidente of Tuguegarao, P. I.

“‘DEAR BROTHER: I wish a conference with you, without loss of time, when we can explain and talk in good faith, like Filipinos and patriots. This is for the protection of your life and the lives of those around you, for you are already on the dead list. Do not be afraid.

“‘(Signed)

T. PHILIPPI,

“‘The Chief Commander.

“‘To Señor SEBASTIAN TUYUAN,

“‘Presidente of the town of Tuguegarao, Province of Cagayan, Luzon, P. I.’

“‘This at, or near, Tuguegarao, Luzon, P. I., on or about May 21, 1900.”

Specification 4.—“In that Capt. Tiburcio de los Reyes of the Filipino insurgent army did, in the time of insurrection, cause to be written, dictate, and did sign in person, as the adjutant to Col. T. Philipi, of the Filipino insurgent army, the following threatening and rebellious letter:

“‘To the Judge of the Court of the First Instance.

“‘My DEAR FRIEND: With the consideration that I worked for you in the past, I can not be ungrateful to you. For the sake of convenience and the service in the past, I would request that you have a conference with me to avoid the bad outcome of this irregularity of the town. You are to be firm, like a patriotic Filipino and one in good faith.

“‘(Signed)

T. PHILIPPI,

“‘The Colonel Commanding.

“‘To N. NEPOMUCINO,

“‘The Judge of the Court of the First Instance of the Province of Cagayan, Isabella and Nueva Viscaya.’

“‘This at, or near, Tuguegarao, Luzon, P. I., on or about May 21, 1900.”

Specification 5.—“In that Capt. Tiburcio de los Reyes, of the Filipino insurgent army did, in the time of insurrection, cause to be written, dictate, and did sign in person, as adjutant to Colonel Philipi, of the Filipino insurgent army, the following threatening and rebellious letter:

“‘To the clerk of the court of first instance.

“‘SIR: By the order of the master and honorable Presidente, I request of you a conference, without the loss of time, in regard to the rights of Filipinos. Now be patriotic, for this town, from all rumors, is very ungrateful, and by so doing you will avoid any bad feeling. You must have strong heart and faith and that true love of patriotism.

(Signed) “‘T. PHILIPPI, the Colonel Commanding.

“‘To DON ANTONIO CARAG ISADOR, the Clerk of the Court of First Instance of the Province of Cagayan, Isabella and Nueva Viscaya.’

“‘This at, or near, Tuguegarao, Luzon, P. I., on or about May 21, 1900.”

PLEAS.—To the first specification, “not guilty.” To the second specification, “guilty, except the words, ‘and did lead an attack against the town of Tuguegarao,

P. I.' Of the excepted words, "not guilty." To the third specification, "guilty." To the fourth specification, "guilty." To the fifth specification, "guilty." To the charge, "not guilty."

FINDINGS.—Of the first specification, "guilty, excepting the words, 'robbing and plundering the citizens of the island of Luzon, P. I.,' and substituting therefor, 'United States troops,' of the excepted words, not guilty, of the substituted words, guilty." Of the second specification, "guilty, excepting the word, 'lead,' substituting therefor 'organize and cause to be made;' of the excepted word not guilty, of the substituted words guilty." Of the third specification, "guilty." Of the fourth specification, "guilty." Of the fifth specification, "guilty." Of the charge, "guilty."

And the commission does, therefore, sentence him, Capt. Tiburcio de los Reyes, of the Filipino insurgent army, "To be confined at hard labor, at such place as the reviewing authority may designate, for fifteen years."

In the foregoing case of Capt. Tiburcio de los Reyes, of the Filipino insurgent army, the accused pleaded guilty to writing the threatening letters set forth in the third, fourth, and fifth specifications, but it is not alleged nor is there evidence of record going to show that they were received by or the contents made known to the parties to whom they were addressed. Letters are attached to the proceedings, but they were not identified, read in evidence, nor in any manner referred to as a part of the accepted record in the case. Notwithstanding this insufficiency of allegation and the absence of the customary forms of procedure in making these threatening letters a part of the record, the fact stands out with unmistakable clearness that the accused was engaged in an effort to deter native officials from performing the duties of their offices and to break up and bring to naught such degree of peace, order, and good government as the United States had succeeded in establishing in these islands.

With the exception that no evidence appears whether the armed squads of men were or were not in the "uniform of the Filipino insurgent," the evidence also conclusively shows that the accused exerted himself to recruit men for the insurgent cause and to organize armed resistance to the military forces of the United States in a district fully occupied by said forces and where the authority of the United States was in full force and effect.

Persons who rise in arms against an occupying or conquering army and conspire against the authority established by the same within the occupied territory, are regarded by the laws of war as war-rebels, and if captured, may suffer death, "whether they rise singly, in small or large bands, and whether called upon to do so by their own, but expelled, government or not."

The sentence, which was approved by the department commander on September 10, 1900, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 27, 1900.

General Orders, No. 131.

Before a military commission which convened at San Isidro, province of Zambales, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 110, Headquarters Department of Northern Luzon, August 15, 1900, and of which Maj. William H. Bishop, Thirty-sixth Infantry, U. S. Volunteers, was president, and Capt. Warren H. Ickis, Thirty-sixth Infantry, U. S. Volunteers, was judge-advocate, were arranged and tried:

I. Bentura Barcena, Gabriel Espenosa, and Domingo Baloyot, natives.

CHARGE I.—"Murder."

Specification.—"In that Bentura Barcena, Gabriel Espenosa, and Domingo Baloyot, natives, and each of them, on or about April 25, 1900, at the barrio of Mobalitte, pueblo of Dasol, province of Zambales, Luzon, P. I., in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did, in company of, and consorting with, a band of armed outlaws, to the number of seven (7), more or less, willfully, feloniously, and with malice aforethought kill and murder Pedro Abilla, a native, by shooting him, the said Abilla, with rifles, held in the hands of said Bentura Barcena, Gabriel Espenosa, and Domingo Baloyot, inflicting wounds therewith, whereof he, the said Pedro Abilla, then and there died. This at the times and places above specified."

CHARGE II.—“Robbery.”

Specification.—“In that they, Bentura Barcena, Gabriel Espenosa, and Domingo Baloyot, natives, and each of them, on or about April 25, 1900, then, as now, a time of insurrection, at or near the barrio of Mobalitte, pueblo of Dasol, province of Zambales, Luzon, P. I., in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did, in company of, and consorting with, a band of armed native outlaws to the number of seven (7), more or less, feloniously and forcibly take from the presence of the owner or custodian thereof a quantity of money, clothes, and other valuables (value unknown) the property of Pedro Abilla, native. This at the times and places above specified.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Bentura Barcena, Gabriel Espenosa, and Domingo Baloyot, natives, and each of them, ‘to be hanged by the neck until they, and each of them, are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.’”

II. Tomas Aquino, native.

CHARGE I.—“Murder.”

Specification.—“In that Tomas Aquino, native, on or about April 25, 1900, at the barrio of Mobalita, pueblo of Dasol, province of Zambales, Luzon, then, as now, occupied by United States troops, and at a time of insurrection against the lawful authority of the United States, did, in company of, and consorting with, a band of armed outlaws to the number of seven, more or less, feloniously and with malice aforethought kill and murder Pedro Abilla, a native, by shooting him, the said Abilla, with rifles held in the hands of said Tomas Aquino, and others of said band, inflicting wounds therewith whereof the said Abilla then and there died. This at the times and places specified.”

CHARGE II.—“Robbery.”

Specification.—“In that Tomas Aquino, native, on or about April 25, 1900, at the barrio of Mobalita, pueblo of Dasol, province of Zambales, Luzon, then, as now, occupied by United States troops, and at a time of insurrection against the lawful authority of the United States, did, in company of, and consorting with, a band of armed outlaws to the number of seven, more or less, feloniously and forcibly take from the presence of Pedro Abilla, native, a quantity of money and clothing and other valuables, value unknown, the property of said Pedro Abilla, native. This at the time and place specified.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except of the word ‘the’ in the line next above the concluding line of said specification, substituting therefor the word ‘said,’ and inserting after the word ‘property’ in said described line the words ‘being in the possession,’ of the excepted word not guilty, and of the substituted and inserted words guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Tomas Aquino, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing cases of Bentura Barcena, Gabriel Espenosa, and Domingo Baloyot, natives, who were jointly tried, and Tomas Aquino, native, two witnesses, sons of the deceased, testify that, while searching for a cow stolen from them by outlaws, they were, about midday in the forest near Dasol, seized by several men armed with rifles, among them these accused whom they well knew and recognized, who first tied their arms and beat them until one of the captives disclosed to them the place in his father’s house where his savings of money were kept. Taking this witness with them and leaving the other tied to a tree, the band, after nightfall, went to the house of the deceased, and taking him therefrom tied his arms behind his back and placing him beside his son, who was still likewise bound, a part of the band guarded them while the others secured the money—63 pesos—and looted the house of articles of clothing and other valuables. While so engaged, members of the band made threats against their captives, repeatedly saying that it was their intention to kill them, and, being thus put in great bodily fear, the father and son

attempted to escape by running, when all the band joined in pursuit, and, firing upon them, the deceased fell fatally wounded, and being overtaken by his murderous pursuers his body was by them beaten with crushing blows upon the head and face until life was extinct.

By good fortune the son reached the cover of the nearby forest and lived to relate the part these accused took in the unlawful acts which resulted in the taking of the life of an unoffending man, certain details of which, as the robbery, the firing of the guns, and the finding of the dead body, are so confirmed by other witnesses, who at the time were inmates of the house of the deceased, that there is left no reasonable doubt that these accused are each and all guilty of murder as charged.

The sentences which were approved by the department commander on the 19th day of October, 1900, are confirmed and will be duly executed at the pueblo of Dasol, in the province of Zambales, Luzon, P. I., on the twenty-eighth (28th) day of December, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 1, 1900.

General Orders, No. 133.

Before a military commission which convened at Binalonan, province of Pangasinan, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Maj. Joseph W. Duncan, Thirteenth U. S. Infantry, was president, and First Lieut. Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried Moices Lomabao, a native.

CHARGE I.—“Assault and battery with intent to do bodily harm.”

Specification.—“In that Moices Lomabao, in company of and consorting with armed outlaws to the number of ten, more or less, did, in time of insurrection, enter the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations, and did unlawfully seize and conduct therefrom, with intent to do bodily harm, Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Sabarboro, and Dolores Dingli, natives, lawfully residing in said barrio. This at the place above specified at about 10 p. m., February 17, 1900.”

CHARGE II.—“Murder.”

Specification.—“In that Moices Lomabao, in company of and consorting with armed outlaws to the number of ten, more or less, did willfully, feloniously, and with malice aforethought murder and kill Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Sabarboro, and Dolores Dingli, by shooting them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, with guns, and stabbing them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, with lances and bolos, held in the hands of the said Moices Lomabao and of the said outlaws, inflicting wounds therewith, whereof they, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, then and there died. This in time of insurrection, on or about February 17, 1900, at or near the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except the words ‘and Dolores Dingli,’ and the words ‘shooting them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, with guns and,’ and the words ‘and Dingli,’ wherever occurring, and of the excepted words, not guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence the accused, Moices Lomabao, native, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Moices Lomabao, native, it appears from the evidence that an armed body of ladrones, about thirty in number, entered the barrio of Namipitan at night and taking four men and a woman by force and violence from their homes, disappeared with them; that, after search was made for the captives, the bodies of all but the woman were, three days later, found shockingly mutilated and decaying

in death. It further appears that the accused was active and cruel in taking captive these unoffending people, and that no motive other than robbery and a savage delight in taking life appears to explain this act of wholesale murder.

The sentence which was approved by the department commander on September 29, 1900, is confirmed, and will be duly executed at the pueblo of Binalonan, province of Pangasinan, Luzon, P. I., on the 21st day of December, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY.

Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 5, 1900.

General Orders, No. 135.

Before a military commission which convened at Tayabas, province of Tayabas, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 148, headquarters Department of Southern Luzon, September 8, 1900, and of which Capt. Harrison S. Kerrick, Thirtieth Infantry, U. S. Volunteers, was president, and First Lieut. John W. C. Abbott, Thirtieth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Victor Sabeseda, a native.

CHARGE I.—“Burglary.”

Specification 1.—“In that Victor Sabeseda, a native Filipino, in company with others whose names are unknown, at the barrio of Lalo, pueblo of Tayabas, province of Tayabas, Luzon, * * * at a time then, as now, of insurrection, * * * did willfully, unlawfully, and feloniously, and in the nighttime, break and enter into the dwelling house of Enrique Rabida, a native, * * * and * * * did make an assault upon the said Enrique Rabida and tie him and scrape his shins with a bolo, and did unlawfully and feloniously take, steal, and carry away three pairs of pantaloons of the value of three pesos, four chickens of the value of two pesos, five skirts of the value of fifteen pesos, and eight women’s camisas of the value of fifteen pesos, of the property of the said Enrique Rabida. This at the place above specified, about midnight, on or about the 12th day of July, 1900.”

Specification 2.—“In that Victor Sabeseda, a native Filipino, in company with others whose names are unknown, at barrio of Lalo, pueblo of Tayabas, * * * Luzon, * * * at a time then, as now, of insurrection, * * * did willfully, unlawfully, and feloniously, and in the nighttime break and enter into the dwelling house of Juan Rabida, a native, * * * and the said Victor Sabeseda being within said house did then and there make an assault upon the said Juan Rabida by cutting him with bolos and scraping his shins with bolos and by burning his legs, and the said Victor Sabeseda did then and there take, steal, and carry away eighty-seven centimos of the value of eighty-seven centimos, two pairs of trousers of the value of one peso, two men’s camisas of the value of one peso, two women’s camisas of the value of two pesos, two skirts of the value of two pesos, thirty-six plates of the value of six pesos and one ganta of salt of the value of medio peso, of the personal property of the said Juan Rabida. This at the place above specified, at about the hour of midnight, on or about the 25th day of March, 1900.”

Specification 3.—“In that Victor Sabeseda, a native Filipino, in company with others whose names are unknown, at the barrio of Lalo, pueblo of Tayabas, * * * Luzon, * * * at a time then, as now, of insurrection, * * * did unlawfully, willfully, and feloniously, in the nighttime, break and enter into the dwelling house of Eugenio Nano, a native, * * * and the said Victor Sabeseda, being then and there within said house, did assault, strike, beat, and wound Eugenio Nano, Valentin Quintoa, and Ciriaca Quintoa, and did rob and by force and violence take from said Eugenio Nano, Valentin Quintoa, and Ciriaca Quintoa five pesos, Mexican silver of the value of five pesos. This at the place above specified, at about 2 o’clock a. m., on or about the 14th day of July, 1900.”

Specification 4.—“In that Victor Sabeseda, a native Filipino, in company with others whose names are unknown, at the barrio of Lalo, pueblo of Tayabas, * * * Luzon, * * * at a time then, as now, of insurrection, * * * did unlawfully, willfully, and feloniously, in the nighttime, break and enter into the dwelling house of Feliz Pascos, a native, * * * and said Victor Sabeseda, being then and there within said house, did assault, strike, beat, and bruise Feliz Paseos, and did burn Julia Arena with fire and did cut and burn Mariano Abolencia and Juan Abolencia, * * * being within said house, and the said Victor Sabeseda did rob and by force

and violence take from said Feliz Paseos and Julia Arena six centimos of the value of six centimos, and fourteen packages of cigarettes of the value of two pesetas, of the property of the said Feliz Paseos and Julia Arena. This at the place above specified, at about 4 o'clock a. m., on or about the 14th day of June, 1900."

CHARGE II.—"Assault with intent to kill."

Specification.—"In that Victor Sabeseda, a native Filipino, in company with others whose names are unknown, at the barrio of Lalo, pueblo of Tayabas, province of Tayabas, Luzon, * * * at a time then, as now, of insurrection, * * * did unlawfully, willfully, feloniously, and maliciously make an assault upon Cirapion Jabin with the felonious intent * * * to kill and murder him, the said Cirapion Jabin, by shooting at the said Cirapion Jabin with a gun loaded with powder and ball then and there had and held by the said Victor Sabeseda in his hands. This at the place above specified, at about 8 o'clock p. m., on or about the 12th day of May, 1900.

CHARGE III.—"Arson."

Specification.—"In that Victor Sabeseda, a native Filipino, in company with others whose names are unknown, at the barrio of Lalo, pueblo of Tayabas, * * * Luzon, * * * at a time then, as now, of insurrection, * * * did unlawfully, willfully, and feloniously set fire to and burn the dwelling house of Prudencio Jaben, a native Filipino. This at the place above specified, at about 8 o'clock p. m., on or about the 12th day of May, 1900."

CHARGE IV.—"Robbery." (Four specifications based upon the same state of facts found in specifications one, two, three, and four of the first charge.)

CHARGE V.—"Assault with intent to do great bodily harm." (Four specifications based upon the same state of facts found in specifications one, two, three, and four of the first charge.)

PLEAS.—To the first specification, first charge, "not guilty." To the second specification, first charge, "not guilty." To the third specification, first charge, "not guilty." To the fourth specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty." To the specification, third charge, "not guilty." To the third charge, "not guilty." To the fourth charge and its specifications, "not guilty." To the fifth charge and its specifications, "not guilty."

FINDINGS.—Of the first specification, first charge, "guilty." Of the second specification, first charge, "guilty, except of the word 'bolo' and substituting therefor the words 'split pieces of cane with sharp edges,' of the excepted word not guilty, and of the substituted words guilty, and also except the words 'two pairs of trousers of the value of one peso' and of said excepted words not guilty, and also except the words 'medio peso,' substituting therefor the words 'twenty-five cents Mex.' and of the excepted words not guilty, and of the substituted words guilty." Of the third specification, first charge, "guilty." Of the fourth specification, first charge, "guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty." Of the specification, third charge, "guilty." Of the third charge, "guilty." Of the first specification, fourth charge, "guilty, except the words 'two pairs of trousers of the value of one peso' and of said excepted words not guilty, and also except the words 'medio peso' and substituting therefor the words 'twenty-five cents Mex.' and of the excepted words not guilty, and of the substituted words guilty." Of the second, third, and fourth specifications, fourth charge, and of the fourth charge, "guilty." Of the first, second, third, and fourth specifications, fifth charge, and of the fifth charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Victor Sabeseda, native, "to be confined at hard labor, at such place as the reviewing authority may direct, for seventeen years."

In the foregoing case of Victor Sabeseda, native, it appears from the record that the accused was one of a band of armed prowlers who by force and violence entered the houses of poor and defenseless people and tortured them by tying strings and rags to their legs, then setting fire to said strings, burning their legs with lighted matches, scraping and wounding their shins and legs with sharp splinters or strips of wood until they were lacerated and bleeding, and by these cruelly ingenious methods extorted from their victims the disclosure of the hiding places of their small stores of money and valuables, robbing them of the same, and, in one instance, burning a house and shooting and wounding an inmate thereof.

The sentence which was approved by the department commander on the 10th day of November, 1900, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 5, 1900.

General Orders, No. 136.

Before a military commission which convened at San Isidro, province of Zambales, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 110, Headquarters Department of Northern Luzon, August 15, 1900, and of which Major William H. Bishop, 36th Infantry, U. S. Volunteers, was president, and Captain Warren H. Ickis, 36th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried: Marcelino Versosa, Narciso Garcia, Bentura Barcena, Gabriel Espenosa, and Estarvan Estrada, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Marcelino Versosa, Narciso Garcia, Bentura Barcena, Gabriel Espenosa and Estarvan Estrada, natives, and each of them, on or about April 10, 1900, then, as now, a time of insurrection, at or near sitio Balangbang, of Dasol, province of Zambales, Luzon, P. I., a place then, as now, in the theater of active military operations, in company of, and consorting with, a band of armed outlaws to the number of ten (10), more or less, commanded and led by the said Versosa, did willfully, feloniously, and with malice aforethought kill and murder one Tito Balisilisa, a native, by shooting him, the said Balisilisa, with guns, and stabbing him, the said Balisilisa, with bolos, held in the hands of the said Versosa, Garcia, Estrada, Barcena, Espenosa and others, members of said band, names unknown, inflicting wounds therewith, whereof he, said Balisilisa, then and there died.” “This at the time and place above specified.”

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Marcelino Versosa, Narciso Garcia, Bentura Barcena, Gabriel Espenosa and Estarvan Estrada, natives, and each of them, “to be hanged by the neck until they, and each of them, are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Marcelino Versosa, Narciso Garcia, Bentura Barcena, Gabriel Espenosa, and Estarvan Estrada, natives, who were jointly tried, it appears from the evidence that the deceased had been banished by the Spanish Government to the Caroline Islands; that by permission of the American authorities he returned in February, 1900, to his home in Uli and was, at the time of his death, making preparations for changing his place of residence to Dasol, which was occupied by American troops. His apparent friendly relations with the American authorities appears to have given offense to these accused, who came together at night under the active leadership of Marcelino Versosa, and they, with five or six other men, armed with bolos and carrying among them a rifle and a pistol, proceeded to surround the house where the deceased was staying for the night, and threatening to burn the house, compelled him by force and fear to come out; when the deceased, attempting to escape by running, these accused followed, shot him down and inflicted upon his prostrate body fifteen or more bolo wounds, from which he immediately expired.

The leading part taken by Marcelino Versosa, and the willing and active assistance of Bentura Barcena and Gabriel Espenosa, in this murder are convincingly set forth in the evidence.

The sentences in the cases of Bentura Barcena, and Gabriel Espenosa are confirmed, but as these accused are under sentence of death for another murder, further action upon their sentences herein is indefinitely suspended.

In the case of Marcelino Versosa and Estarvan Estrada, testimonials of good conduct submitted by an officer of the army appear of record, showing that both these accused voluntarily surrendered to the military authorities, and that the former influenced others to surrender with their arms. These facts move the final reviewing authority, in confirming their sentences, which were approved by the department commander on October 15, 1900, to mitigate each of the same to imprisonment at hard labor for the term of twenty (20) years. As thus mitigated, the sentences will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

In the case of Narciso Garcia, the evidence is too weak and inconclusive to connect the accused with this crime, and the findings and sentence in the case of this accused are therefore disapproved.

By command of Major-General McArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., December 6, 1900.

General Orders, No. 137.

Before a military commission which convened at Lingayen, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 110, Headquarters Department of Northern Luzon, August 15, 1900, and of which Major William H. Bishop, 36th Infantry, U. S. Volunteers, was president, and Capt. Warren H. Ickis, Thirty-sixth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Marciliano Vergara, a native.

CHARGE.—“Murder.”

Specification.—“In that Marciliano Vergara, on or about the 5th day of December, 1899, a time of insurrection, at or near the barrio of Mapandel, pueblo of Mangatarem, Province of Pangasinan, a place within the theater of active military operations, in company of, and consorting with, Matias Alipio, Alejandro Bueno, Hipolito Bueno, Mateo Roberto, Mariano Roberto, did willfully, feloniously, and with malice aforethought kill and murder two American soldiers, names unknown, then and there held as prisoners in the custody of Estevan Sison, by stabbing and cutting the said two American prisoners, names unknown, with weapons commonly known as bolos, held in the hands of the said Matias Alipio, Alejandro Bueno, Hipolito Bueno, Mateo Roberto, Mariano Roberto, and each of them, inflicting wounds whereof the said two American prisoners, names unknown, and each of them, then and there died; the said Marciliano Vergara being then and there present at the murder. This at the times and places above specified.”

PLEAS.—To the specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the specification, “guilty, except the words ‘Estevan Sison,’ substituting therefor the words ‘said Marciliano Vergara,’ of the excepted words not guilty, and of the substituted words guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Marciliano Vergara, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Marciliano Vergara, native, it appears from the evidence that upon the approach of the American forces to Mangatarem, two Americans who were held as prisoners in that pueblo were committed to the care of the accused, apparently to be kept concealed in a neighboring barrio. It also appears that a semimilitary organization or militia had been organized by enrolling the “tributantes” of the cabeza of this barrio, the cabeza regarding them as his soldiers but holding himself subject to the military authorities, represented in this instance by the accused, who was styled “major” and had authority to call these enrolled men together. The accused and his semi-soldiers wore no uniform, continued in their peaceful occupations, and came together only upon special call. In this manner it is evident that they had no special difficulty in concealing their identification as banded men; but it is plain from the evidence, the accused found his prisoners a great embarrassment, as the near presence of the American forces threatened to make it impracticable for him to successfully conceal them and at the same time keep concealed his own status of guerrilla. Hence his resolution to murder his prisoners. Five of his followers agree in their testimony that, in obedience to the orders of the accused, they came together at an appointed place and, with bolos in their hands, hacked to death these two men, the accused standing by to witness the execution of his orders. Covering the dead bodies with grass, the band then dispersed, each man going his own way.

To this mass of evidence, which is complete and convincing, the accused, beyond his bare word of denial, made no defense.

The sentence, which was approved by the department commander on September 24, 1900, is confirmed, and will be executed on the 28th day of December, A. D. 1900, at the pueblo of Mangatarem, province of Pangasinan, Luzon, P. I., under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., December 10, 1900.

General Orders, No. 139.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Depart-

ment of Northern Luzon, June 25, 1900, and of which Maj. Joseph W. Duncan, 13th U. S. Infantry, was president, and First Lieut. Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, were arraigned and tried:

Feliciano Lomabao and Simplicio Obejo, natives.

CHARGE I.—“Assault and battery with intent to do bodily harm.”

Specification.—“In that they, Feliciano Lomabao and Simplicio Obejo, in company of, and consorting with, armed outlaws to the number of ten, more or less, did, in time of insurrection, enter the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations, and did unlawfully seize and conduct therefrom, with intent to do bodily harm, Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Sabarboro, and Dolores Dingli, natives, lawfully residing in said barrio. This at the place above specified at about 10 p. m., February 17, 1900.”

CHARGE II.—“Murder.”

Specification.—“In that they, Feliciano Lomabao and Simplicio Obejo, natives, in company of, and consorting with, armed outlaws to the number of ten, more or less, did willfully, feloniously, and with malice aforethought murder and kill Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Sabarboro, and Dolores Dingli by shooting them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, with guns and stabbing them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, with lances and bolos held in the hands of the said Feliciano Lomabao and Simplicio Obejo and of the said outlaws, inflicting wounds therewith whereof they, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli then and there died. This in the time of insurrection, on or about February 17, 1900, at or near the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except the words ‘by shooting them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli with guns,’ and the words ‘and Dingli;’ and the words ‘and Dingli;’ of the excepted words not guilty.” Of the second charge, “guilty.”

SENTENCE.—And the Commission does therefore sentence them, Feliciano Lomabao and Simplicio Obejo, natives, and each of them, “To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case Feliciano Lomabao and Simplicio Obejo, natives, it appears from the evidence that an armed body of ladrones, about thirty in number, entered the barrio of Namipitan at night, and, taking four men and a woman by force and violence from their homes, disappeared with them; that after search was made for the captives the bodies of all but the woman were, three days later, found shockingly mutilated and decaying in death. It further appears that these accused were active and cruel in taking captive these unoffending people and that no motive, other than robbery and a savage delight in taking life, appears to explain this act of wholesale murder.

The sentences which were approved by the department commander on the 25th day of November, 1900, are confirmed and will be executed at the pueblo of Binalonan, province of Pangasinan, Luzon, P. I., on the twenty-first day of December, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

II. Hermogenez Lorian and Tomas Caliboso, natives.

CHARGE I.—“Disturbing the peace.”

Specification.—“In that they, Tomas Caliboso and Hermogenez Lorian, natives, and each of them, in company of, and consorting with, a band of outlaws, armed with bolos and lances, seventy more or less in number, did enter the barrio of Cocalditen, pueblo of Asingan, province of Pangasinan, Luzon, P. I., and did disturb the peace of the province by making an unlawful assault upon said barrio, putting peaceful and law-abiding citizens in fear of their lives. This at the place above specified, being then, as now, under the military authority of the United States, on or about the 12th day of November, 1899, a time then, as now, of insurrection against the United States Government.”

CHARGE II.—“Assault and battery.”

Specification.—“In that they, Tomas Caliboso and Hermogenez Lorian, natives, and each of them, in company of, and consorting with, a band of outlaws, armed with bolos and lances, seventy more or less in number, did make an unlawful assault

upon Cirapion Altre, Augustine Opina, Gregorio Rivera, Leonardo Victorio and Gervacio Ancheta, and did then and there unlawfully, forcibly and feloniously seize and bind, against their will and did then and there beat, bruise and cut the said Altre, Rivera, Opina, Victorio, and Ancheta with the intent to do them serious bodily harm. This on or about the 12th day of November, 1899, a time then, as now, of insurrection against the United States Government, at or near the barrio of Cocalditen, pueblo of Asingan, Luzon, P. I., a place then, as now, in territory under the military government of the United States."

CHARGE III.—"Forcible abduction."

Specification.—"In that they, Tomas Caliboso and Hermogenez Lorian, natives, and each of them, in company of, and consorting with, a band of outlaws, armed with bolos and lances, seventy more or less in number, did feloniously and forcibly seize and carry away, against their will, the following persons, to wit: Gregorio Rivera, Leonardo Victorio, Augustine Opina, and Gervacio Ancheta and do continue to unlawfully hold the said Rivera, Victorio, Opina, and Ancheta in captivity. This on or about the 12th day of November, 1899, a time then, as now, of insurrection against the United States Government, at or near the barrio of Cocalditen, province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States and in territory occupied by the United States troops."

CHARGE IV.—"Murder."

Specification.—"In that they, Tomas Caliboso and Hermogenez Lorian, natives, and each of them, in company of, and consorting with, a band of outlaws, armed with bolos and lances, seventy more or less in number, did willfully, feloniously, and with malice aforethought kill and murder Cirapion Altre, native, by cutting and stabbing him, the said Altre, with bolos and lances held in the hands of the said Caliboso and Lorian and in the hands of said outlaws and of each of them, inflicting wounds therewith, whereof he, the said Altre, then and there died. This on or about the 12th day of November, 1899, a time then, as now, of insurrection against the United States, at or near the barrio of Cocalditen, pueblo of Asingan, Luzon, P. I., a place then, as now, under the military authority of the United States and in territory occupied by U. S. troops."

PLEAS.—To the specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty." To the specification, third charge, "not guilty." To the third charge, "not guilty." To the specification, fourth charge, "not guilty." To the fourth charge, "not guilty."

FINDINGS.—Of the specification, first charge, "guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty." Of the specification, third charge, "guilty." Of the third charge, "guilty." Of the specification, fourth charge, "guilty." Of the fourth charge, "guilty."

SENTENCE.—And the commission does therefore sentence the accused, Hermogenez Lorian, native, "To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

And the commission does therefore sentence the accused Tomas Caliboso, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

In the foregoing case of Hermogenez Lorian and Tomas Caliboso, natives, it appears from the evidence that one Cirapion Altre, presidente of the pueblo of Asingan, and a small party of men, women, and children had, through fear of the approach of American troops, fled from Asingan to the barrio of Cocalditen, and, while there, in hiding in a deserted house, were set upon in the nighttime by a band of armed outlaws, which had long infested the locality; that said outlaws seized the said Altre and four other men, bound them, and, with blows and wounds of bolos and threats of death, drove them forth and so far fulfilled their threats that these men have never since been seen among the living, and have been dead to their families and friends.

One of the refugee party, who escaped on the approach of the outlaws, testified that, from his near-by place of concealment, he witnessed these accused take part, with bolos and daggers in their hands, in striking to the ground Cirapion Altre, and that they and others thereafter inflicted many cutting and stabbing wounds upon his prostrate body, which long lay motionless after his murderers had left him for dead, and until, with the coming of morning, the witness fled in terror from the place.

The testimony of this witness is supported in part by that of other witnesses, who were present when the band assailed the refugee party, recognized the accused among them, heard their threats of death and saw them beat, and, with bolos, wound the persons of the men they carried away.

The sentences, which were approved by the department commander on October 19, 1900, are confirmed; but, in the case of Hermogenez Lorian, the sentence is mitigated to confinement at hard labor for the period of his natural life; as mitigated, his sentence and that of Tomas Caliboso will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 10, 1900.

General Orders, No. 140.

Before a military commission which convened at Tayabas, Province of Tayabas, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 148, Headquarters Department of Southern Luzon, September 8, 1900, and of which Capt. Harrison S. Kerrick, 30th Infantry, U. S. Volunteers, was president, and First Lieut. John W. C. Abbott, 30th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa, natives.

CHARGE I.—“Rape.”

Specification 1.—“In that Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa, native Filipinos, and each of them, in company with others whose names are unknown, at the barrio of Hibanga, pueblo of Tayabas, Province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did unlawfully and feloniously have carnal knowledge of and ravish one Susana de Torres, a native Filipino woman of about the age of 18 years, by means of force and against her will.

“This at the place above specified at about 2 o'clock a. m. on or about the 10th day of July, 1900.”

Specification 2.—“In that Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa, native Filipinos, and each of them, in company with others whose names are unknown, at the barrio of Hibanga, pueblo of Tayabas, Province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did unlawfully and feloniously have carnal knowledge of and ravish one Arcadia Rabina, a native Filipino woman of about the age of 17 years, by means of force and against her will.

“This at the place above specified at about 2 o'clock a. m. on or about the 10th day of July, 1900.”

CHARGE II.—“Burglary.”

Specification 1.—“In that Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa, native Filipinos, and each of them, in company with others whose names are unknown, at the barrio of Hibanga, pueblo of Tayabas, Province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, unlawfully, and feloniously, in the nighttime, break and enter into the house of Feliz Daelo, a native Filipino, with the felonious intent to take, steal, and carry away goods, chattels, and personal property from within said house, and to have carnal knowledge of, and to carnally know and ravish, the women who might be within said house forcibly and against their will. And the said Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa did take, steal, and carry away from within said house thirty pesos Mexican silver of the value of thirty pesos, of the property of the said Feliz Daelo.

“This at the place above specified at about 2 o'clock a. m. on or about the 10th day of July, 1900.”

CHARGE III.—“Robbery.”

Specification 1.—“In that Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa, native Filipinos, and each of them, in company with others whose names are unknown, at the barrio of Hibanga, pueblo of Tayabas, Province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did unlawfully and feloniously make an assault upon one Juan Daelo, a native Filipino, and by means of force and violence did rob and take from his person property belonging to him, to wit: 62 centimos of money of the value of 62 centimos and 1 camisa of the value of 1 peso, and did at the same time strike, beat, bruise, and wound the said

Juan Daelo, by beating him with guns and bolos and by tying him and hanging him and choking him with a rope. This at the place above specified at about 2 o'clock a. m. on or about the 10th day of July, 1900."

Specification 2.—"In that Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa, native Filipinos, and each of them, in company with others whose names are unknown, at the barrio of Hibanga, pueblo of Tayabas, province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did unlawfully and feloniously make an assault upon one Feliz Daelo, a native Filipino, and by means of force and violence did rob and take from his person property belonging to him, to wit, 30 pesos Mexican silver of the value of 30 pesos, and did at the same time strike, beat, bruise, and wound the said Feliz Daelo by beating him with guns and bolos, and by tying, hanging, and choking him with a rope. This at the place above specified at about 2 o'clock a. m. on or about the 10th day of July, 1900."

Specification 3.—"In that Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa, native Filipinos, and each of them, in company with others whose names are unknown, at the barrio of Hibanga, pueblo of Tayabas, province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did unlawfully and feloniously make an assault upon one Modesto Abas, a native Filipino, and by means of force and violence did rob and take from his person property belonging to him, to wit, 2½ pesos Mexican silver of the value of 2½ pesos, and did at the same time strike, beat, bruise, and wound the said Modesto Abas, by beating him with guns and by tying, hanging, and choking him with a rope. This at the place above specified at about 2 o'clock a. m. on or about the 10th day of July, 1900."

PLEAS.—To the first specification, first charge, "not guilty;" to the second specification, first charge, "not guilty;" to the first charge, "not guilty;" to the specification, second charge, "not guilty;" to the second charge, "not guilty;" to the first specification, third charge, "not guilty;" to the second specification, third charge, "not guilty;" to the third specification, third charge, "not guilty;" to the third charge, "not guilty."

FINDINGS.—Of the first specification, first charge, "Francisco Ygamino and Ricardo Ygamino, and each of them, not guilty, and Miguel Abellanosa, guilty." Of the second specification, first charge, "Francisco Ygamino and Ricardo Ygamino and Miguel Abellanosa, and each of them, not guilty." Of the first charge, "Francisco Ygamino and Ricardo Ygamino, and each of them, not guilty, and Miguel Abellanosa, guilty." Of the specification, second charge, "guilty, except of the words 'and to have carnal knowledge of and to carnally know and ravish the women who might be within said house forcibly and against their will' as applied to Francisco Ygamino and Ricardo Ygamino, and of said words the said two defendants not guilty. And also except the words '30 pesos Mexican silver of the value of 30 pesos,' substituting therefor the words '20 pesos Mexican silver of the value of 20 pesos,' and of the excepted words not guilty, and of the substituted words guilty." Of the second charge, "guilty." Of the first specification, third charge, "guilty, except of the words '1 peso,' substituting therefor the words '62 centimos,' of the excepted words not guilty, and of the substituted words guilty; and also except the words 'and hanging him and choking him,' and of these excepted words not guilty." Of the second specification, third charge, "guilty, except the words 'hanging and choking,' and of the excepted words not guilty." Of the third specification, third charge, "guilty, except the words 'hanging and choking,' and of the excepted words not guilty." Of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence them as follows: The said Francisco Ygamino and Ricardo Ygamino, and each of them, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of six years;" and the said Miguel Abellanosa, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

In the foregoing case of Francisco Ygamino, Ricardo Ygamino, and Miguel Abellanosa, natives, who were jointly tried, the evidence conclusively shows that a band of about 20 outlaws, armed with guns and bolos, did by force and violence gain entrance to the house of one Feliz Daelo, as charged, rob the inmates of money and valuables, and that these accused were there present and participated in these acts of burglary and robbery; and that, of the accused, the said Miguel Abellanosa did have carnal knowledge of one of the women inmates of said house with brutal violence and against her will.

The sentences in the case of Francisco Ygamino and Ricardo Ygamino are being executed under the orders of the department commander.

The sentence in the case of Miguel Abellanosa, which was approved by the depart-

ment commander on November 6, 1900, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 13, 1900.

General Orders, No. 142.

Before a military commission which convened at Tayabas, Province of Tayabas, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 148, Headquarters Department of Southern Luzon, September 8, 1900, and of which Captain Harrison S. Kerrick, 30th Infantry, U. S. Volunteers, was president, and 1st Lieutenant John W. C. Abbott, 30th Infantry, U. S. Vols., was judge-advocate, were arraigned and tried Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, natives.

CHARGE I.—“Murder.”

Specification 1.—“In that Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, native Filipinos, and each of them, at the pueblo of Unisan, province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought, kill and murder Gabriel Castillo, a native Filipino, by beating the said Gabriel Castillo with clubs, and by cutting and striking said Gabriel Castillo with bolos, then and there had and held by the said Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, in their hands, thereby inflicting wounds of which the said Gabriel Castillo then and there died. This at the place above specified, about 8 o'clock p. m., on or about June 7, 1900.”

Specification 2.—“In that Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, native Filipinos, and each of them, at the pueblo of Unisan, province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought, kill and murder Feliciano Maxino, a native Filipino, by beating the said Feliciano Maxino with clubs, and by cutting and striking said Feliciano Maxino with bolos, then and there had and held by said Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, in their hands, thereby inflicting wounds of which said Feliciano Maxino then and there died. This at the place above specified, about 9 o'clock p. m., on or about June 7, 1900.”

Specification 3.—“In that Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, native Filipinos, and each of them, at the barrio of Santol, pueblo of Unisan, province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought, kill and murder Jermana del Castillo (wife of Antonio Maxino), Flotilde Maxino, Antonio Maxino (junior), Manuel Maxino, and Cecilio Maxino, all native Filipinos, by beating the said Jermana del Castillo, Flotilde Maxino, Antonio Maxino, Manuel Maxino, and Cecilio Maxino with clubs, and by cutting and striking said Jermana del Castillo, Flotilde Maxino, Antonio Maxino, Manuel Maxino, and Cecilio Maxino with bolos, then and there had and held by said Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal in their hands, thereby inflicting wounds of which the said Jermana del Castillo, Flotilde Maxino, Manuel Maxino, and Cecilio Maxino, and each of them, then and there died. This at the place above specified, about 10 o'clock a. m., on or about June 10, 1900.”

PLEAS.—To the first specification, “not guilty;” to the second specification, “not guilty;” to the third specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—Of the first specification, “guilty;” of the second specification, “guilty;” of the third specification, “guilty, except of the words ‘10 o'clock a. m.,’ substituting therefor the words ‘2 o'clock p. m.,’ of the excepted words, not guilty, and of the substituted words, guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, native Filipinos, and each of them, “to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring in this sentence.”

In the foregoing case of Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, natives, who were jointly tried, it appears from the record that a band of outlaws entered the pueblo of Unisan and with bolos proceeded to murder Gabriel Castillo, the father-in-law, and Feliciano Maxino, a nephew, of Antonio Maxino, and to kidnap his family, consisting of his wife, daughter of 14 years, and three sons, one aged 11 and one 4 years and an infant aged 5 months; that they robbed his house of all the money and valuables they could find; that a few days later, in a secluded spot in the forest, the mother and helpless children were murdered with clubs, with which the accused and other members of the band beat out their brains; that the mother was then buried in a shallow trench, and the bodies of the children were folded up and forced into two other small, shallow holes, and all loosely covered with earth, wood, and leaves.

It is clearly revealed by the evidence that while Antonio Maxino was absent, a prisoner in the hands of the American troops, and his home, as a consequence, left without his protection, this band of assassins practically exterminated his family, not sparing the unoffending wife, innocent maid, nor helpless infant.

All the accused save Eliseo Adulta admit their participation in this crime, but claim either that they did not deliver any fatal blows upon their victims or were present with the band from compulsion. But the evidence of many witnesses proves beyond a reasonable doubt that they were willing and principal actors in these murders, and all agree that, of the accused, Eliseo Adulta planned and was present and directed the horrible details of their execution.

In the cases of Pedro Mercadejos and Miguel Cantal, death intervened on the 21st day of November, 1900.

The sentences, which were approved by the department commander on November 5, 1900, are confirmed, and in the cases of Eliseo Adulta, Fausto Avellado, and Jose Ropa will be duly executed at the pueblo of Tayabas, province of Tayabas, Luzon, P. I., on the twenty-eighth (28th) day of December, A. D. 1900, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

General Orders, No. 143.

Manila, P. I., December 13, 1900.

Before a military commission which convened at Iba, province of Zambales, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 143, Headquarters Department of Northern Luzon, September 23, 1900, and of which Captain Harry A. Leonhaeuser, 25th U. S. Infantry, was president, and 2d Lieutenant Harol D. Coburn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Francisco Frani (alias Quicoy Frani), native.

CHARGE.—“Murder.”

Specification 1.—“In that Francisco Frani (alias Quicoy Frani), a native and leader of an armed band of natives, did willfully, feloniously and with malice aforethought, kill and murder Sotero Mari, Andrea Mari (a woman), and Ramon Misola, by stabbing them with bolos held in the hands of a member or members of said band, inflicting wounds therewith whereof the said Sotero Mari, Andrea Mari, and Ramon Misola then and there died. This at or near Muli, ‘sitio’ of Infanta, Zambales Province, P. I., a place then, as now, under the military government of the United States, on or about April 18, 1900, then, as now, a time of insurrection against the lawful authority of the United States.”

Specification 2.—“In that Francisco Frani (alias Quicoy Frani), a native and leader of a band of natives, did willfully and feloniously and with malice aforethought kill and murder Augustin Medina, a native, and one Badel, a Spaniard, by stabbing them with bolos held in the hands of members of said band, inflicting wounds therewith, whereof the said Medina and Badel then and there died. This at or near Binabalian, a barrio of Candelaria, Zambales Province, P. I., a place then, as now, under the military government of the United States, on or about February 4, 1900, then, as now, a time of insurrection against the lawful authority of the United States.”

PLEAS.—To the first specification, not guilty; to the second specification, not guilty; to the charge, not guilty.

FINDINGS.—Of the first specification, not guilty; of the second specification, guilty; of the charge, guilty.

SENTENCE.—And the commission does, therefore, sentence him, Francisco Frani (alias Quicoy Frani), “To be hanged by the neck until he is dead, at such time and

place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Francisco Frani (alias Quicoy Frani), native, many witnesses testify that the accused gave the order to kill two peaceful men, and, in pursuance of his said order, these men were killed and buried. Before the commission trying him the accused admitted that he did cause the death of these men and among other things said:

"The killing of the two prisoners, Medina and Badel, was done pursuant to a general order from General San Miguel. This order was to the effect that those prisoners who had committed acts against the Filipino Republic should be killed. * * * I was simply carrying out the orders of my superior officer, General San Miguel. I had no discretion whatever. If I had not carried out these orders, I should have been killed myself."

The accused could not, however, produce written orders from his superiors to do this murder, nor was he able, although he made the attempt, to support his statements by the testimony of others. Whether or not the accused murdered these men in obedience to orders from his superior or upon his own unprompted will is not, however, material. It is a principle of law, long recognized by all civilized and peace-loving people, that no man shall deliberately kill another who is a prisoner, as were the deceased at the time they were murdered, unless such killing be done under an "imperative duty prescribed by law," such as the execution of one found guilty of a capital crime by a court of competent criminal jurisdiction and sentenced to suffer death by execution. In this instance the deceased, who appear to have been peace-abiding men, were first unlawfully deprived of their liberty, and without the sanction of either the laws of war or of peace, and while bound and helpless, were deliberately put to death.

The defense of the accused that, unless he had killed these men, his superiors in authority over him would have taken his life, is, in the first place, not borne out by the evidence, and, in the second place, is not good in law which does not suffer that one man, through fear of a remote danger to his own life, shall obey the unlawful commands of another to kill peaceful and law-abiding men.

The sentence which was approved by the department commander on November 26, 1900, is confirmed, and will be duly executed at the pueblo of Dasol, province of Zambales, Luzon, P. I., on the 28th day of December, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 22, 1900.

General Orders, No. 147.

Before a military commission which convened at Gerona, Province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, headquarters Department of Northern Luzon, November 9, 1900, and of which Major Henry C. Ward, 12th U. S. Infantry, was president, and 1st Lieutenant George H. Shields, jr., 12th U. S. Infantry, was judge-advocate, were arraigned and tried: Doroteo Noul, Ciriaco Francisco, Hilario Francisco, Hilario Cariaga, Marcos Millo, Juan Ramen, Basilio Sapin, Fernando Mellado, Cornileo Sales, Manuel Paray, Mariano Taboataboc, Feliciano Domingo, Lucas Obligado, and Felipe Guimba, natives.

CHARGE.—"Raiding, in violation of the laws and usages of war." Specification.—"In that Doroteo Noul, Ciriaco Francisco, Hilario Francisco, Hilario Cariaga, Marcos Millo, Juan Ramen, Basilio Sapin, Fernando Mellado, Cornileo Sales, Manuel Paray, Mariano Taboataboc, Feliciano Domingo, Lucas Obligado, and Felipe Guimba, natives, and each of them, in territory occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, without being part or portion of any organized hostile army, and without sharing continuously in the insurrection, but living habitually at their homes, following peaceful avocations without the character or appearance of soldiers, did constitute themselves a band of armed prowlers, armed with bolos, and did tear up the railroad track, a public highway over which United States troops, supplies, and mails are and were habitually transported, and did cut the telegraph wires in habitual use by the United States military authorities for the transaction of public business."

"This in the night time, on or about October 14, 1900, at or near the barrio of

Caburag, between or near the 134th and 135th kilometer posts on the Manila and Dagupan Railway, Island of Luzon, Philippine Islands."

PLEAS.—To the specification, "guilty." To the charge, "guilty."

FINDINGS.—Of the specification, "guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Doroteo Noul, Ciriasso Francisco, Hilario Francisco, Hilario Cariaga, Marcos Millo, Juan Ramen, Basilio Sapin, Fernando Mellado, Cornileo Sales, Manuel Paray, Mariano Taboctaboc, Feliciano Domingo, Lucas Obligado, and Felipe Guimba, natives, and each and every one of them, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring."

In the foregoing cases of Doroteo Noul, Ciriasso Francisco, Hilario Francisco, Hilario Cariaga, Marcos Millo, Juan Ramen, Basilio Sapin, Fernando Mellado, Cornileo Sales, Manuel Paray, Mariano Taboctaboc, Feliciano Domingo, Lucas Obligado, and Felipe Guimba, natives, who were jointly tried, they all pleaded guilty of participation with a band of armed prowlers—twenty more or less—which tore up the railroad track and cut the telegraph line in the manner alleged. Through their leader and spokesman they "asked for the mercy of the commission, as what they had done did not originate with them, but that they simply carried out orders."

From the evidence of one who assembled these accused and conveyed to them the order to commit this offense, it appears that said order came from high insurgent authority and was conveyed with the threat that if the order was not carried out these accused "would all be killed and their barrios burned."

But these accused lived within territory fully occupied and protected by the American army, and, had they been so disposed, could have asked and would have received protection from the murderous threats of any and all of the irresponsible chiefs of banditti. It makes no difference in law whether these chiefs have ladrones, "tulisans," guerrillas, or insurrectos as their followers; all alike are exercising unlawful authority, and no man can justify himself before the law for committing robbery, murder, or any high crime in obedience to the unlawful orders of these self-appointed chiefs. It is high time these accused and all the people of these islands began to learn the lesson that a rule under wise and just laws is being instituted in these islands and that the rule of the bloody-handed chiefs of banditti must cease.

Under the laws of war, armed prowlers whether they permanently reside within or, residing elsewhere, steal within the lines of an occupying army, and there "rob, kill, tear up the railway track, destroy bridges, or cut telegraph wires, are not entitled to the privileges of prisoners of war," and may be summarily executed.

In approving the sentence under date of December 8, 1900, the department commander recommended that the sentence of death be mitigated to confinement at hard labor for the period of fifteen years, and accompanied his said recommendation with the following remarks: "This recommendation is made in consideration, as shown in the record in this case, of the ignorance of these half-civilized natives, and their abject fear of the robbers and murderers who are committing crimes under the guise of resistance to the authority of the United States in these islands."

While the commanding general accepts the recommendation made, it must be clearly understood that these accused owe their lives to an act of grace on the part of the reviewing authority, and that like mercy will not be shown to any who in the future tear up the railways or cut the telegraph wires. If caught in the act they shall be summarily executed; and all those who order or cause the same to be done or connive at or secretly aid and assist therein will take warning that regard for the helpless and noncombative population who use the railroads and whose lives are put in jeopardy by the destruction of its bridges and disturbance of the rails, as also most urgent military necessity, will make unavoidable the unrelenting execution of the death penalty upon all those who in future are found guilty thereof.

The sentences are confirmed, but upon the recommendation of the department commander are mitigated in each case to imprisonment at hard labor for the term of fifteen (15) years, and as thus mitigated will be duly executed at the presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 22, 1900.

General Orders, No. 148.

Before a military commission which convened at Sara, Panay, P. I., pursuant to paragraph IV, Special Orders, No. 165, Headquarters Department of the Visayas,

October 7, 1901, and of which Maj. Frank A. Cook, 26th Infantry, U. S. Volunteers, was president, and Captain William Tutherly, 26th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried: Perfecto Poblador, native.

CHARGE I.—“Instigating an assault.”

Specification 1.—“In that, on or about the 13th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Ylo, in the district of Concepcion, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Perfecto Poblador, a native, having previous to the said 13th day of June, A. D. 1900, to wit, on the 4th day of March, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States, did organize a band of armed outlaws to the number of 20, more or less, and did instigate, plan, and direct a violent assault to be made by the said band of outlaws upon certain citizens of the pueblo of Concepcion, in the said province of Concepcion, as follows, to wit: By then and there firing three shots, more or less, from a rifle or rifles, held in the hands of members of said band of outlaws, into the dwelling house of one Laureano Pindon, which said house was then and there occupied by the members of the household of the said Laureano Pindon, to wit: By Catalina, the wife of the said Laureana Pindon, Sotera de la Pindon, Martino Bêlo, and others, names unknown.”

Specification 2.—“In that, on or about the 13th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Ylo, in the district of Concepcion, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Perfecto Poblador, a native, having previous to the said 13th day of June, A. D. 1900, to wit, on the 4th day of March, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States, did organize a band of armed outlaws to the number of 20, more or less, and did instigate, plan, and direct a violent assault to be made by the said band of armed outlaws upon one Catalina Pindon, the wife of Laureano Pindon, and a resident of the pueblo of Concepcion, in the said province of Concepcion, by then and there striking and beating the said Catalina Pindon with a bolo, held in the hands of a member of the said band of armed outlaws, with the intent then and there to compel the said Catalina Pindon to reveal the whereabouts of certain moneys supposed to be concealed in the house of the said Laureana Pindon, and the property of the said Laureana Pindon.”

CHARGE II.—“Instigating and directing an assault with intent to kill.”

Specification.—“In that, on or about the 13th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Ylo, in the district of Concepcion, island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, one Perfecto Poblador, a native, having previous to the said 13th day of June, A. D. 1900, to wit: on the 4th day of March, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States, did organize a band of armed outlaws to the number of 20, more or less, and did instigate, plan, and direct a violent assault to be made by the said band of armed outlaws upon certain citizens of the pueblo of Concepcion, in the said province of Concepcion, as follows, to wit: Upon the persons of Laureano Pindon and Tranquilino Longno, with guns held in the hands of the members of the said band of armed outlaws, and which said guns were fired at the said Laureano Pindon and Tranquilino Longno, by the members of the said band of armed outlaws, with the intent then and there willfully, feloniously, and with malice aforethought to kill and murder the said Laureana Pindon and Tranquilino Longno.”

CHARGE III.—“Robbery.”

Specification 1.—“In that, on or about the 13th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Ylo, in the District of Concepcion, island of Panay, P. I., a place then, as now, a part of the territory of the United States and under its military government, one Perfecto Poblador, a native, having previous to the said 13th day of June, A. D. 1900, to wit, on the 4th day of March, 1900, having voluntarily taken and subscribed to the oath of allegiance to the United States, and having organized an armed band of outlaws to the number of 20, more or less, did instigate, direct and cause this said band of armed outlaws to unlawfully enter the dwelling house of one Laureano Pindon, a native, which said house was situated in the pueblo of Concepcion, in the said province of Concepcion, and to then and there violently and forcibly take, steal and carry away from said house and from the premises of the said Laureano Pindon the following to wit, Jewelry of the value of \$500; gold and silver coin of the value of \$500; clothing of the value of \$400; one rifle of the value of \$50; tobacco of the value of \$25; wines of the value of \$20; and 24 carabao of the value of \$760; and of the total value of \$2,255 in Mexican currency, and which said articles so taken and stolen as aforesaid were thereafter, to wit, on or

about the 13th day of June, A. D. 1900, received by the said Perfecto Poblador, at the dwelling house of the said Perfecto Poblador, in the said barrio of Ylo, from the members of the said band of armed outlaws so organized as aforesaid, and by him converted to his, the said Poblador's, own use and the use of members of said band.

Specification 2.—"In that, on or about the 13th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Ylo, in the District of Concepcion, island of Panay, P. I., a place then, as now, a part of the territory of the United States and under its military government, one Perfecto Poblador, a native, having previous to the said 13th day of June, A. D. 1900, to wit, on the 4th day of March, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States, and having organized a band of armed outlaws to the number of 20, more or less, did instigate, direct and cause this said band of armed outlaws to unlawfully enter the dwelling house of one Tranquilino Longno, a native, and which said house was situated in the pueblo of Concepcion, in the said province of Concepcion, and to then and there violently and forcibly take, steal and carry away from said house and from the premises of the said Tranquilino Longno the following, to wit: Twenty cabanes of rice of the value of \$100; jewelry to the value of \$100; silver currency amounting to \$250; clothing contained in 6 boxes of the value of \$600; tobacco of the value of \$50; and 9 caraboas of the value of \$315; all of the aforesaid values being in Mexican currency, and the total value of the articles and caraboas so taken as aforesaid being \$1,415, Mexican currency, and which said articles so taken and stolen as aforesaid were thereafter, to wit, on or about the said 13th day of June, 1900, received by the said Perfecto Poblador at the dwelling house of the said Perfecto Poblador, in the said barrio of Ylo, from the members of the said band of armed outlaws so organized as aforesaid, and by him converted to his, the said Poblador's, own use and the use of members of said band."

CHARGE IV.—"Receiving stolen property."

Specification.—"In that, on or about the 13th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Ylo, in the District of Concepcion, island of Panay, P. I., a place then, as now, a part of the territory of the United States and under its military government, one Perfecto Poblador, a native, having previous to the said 13th day of June, A. D. 1900, to wit, on the 4th day of March, 1900, voluntarily taken and subscribed to the oath of allegiance to the United States, and having organized a band of armed outlaws to the number of 20, more or less, and the said band of armed outlaws, so organized as aforesaid, having taken, stolen and carried away from the pueblo of Concepcion, in the said province of Concepcion, certain property, to wit, jewelry, currency, clothing, tobacco, wines, caraboa, rice, and one rifle, belonging to and owned by certain citizens of the said pueblo of Concepcion, to wit, Laureano Pindon and Tranquilino Longno, and of the value of \$3,670, more or less, did, at the dwelling house of the said Perfecto Poblador, in the said barrio of Ylo, receive from and distribute to and among the members of the said band of armed outlaws, in whole or in part, the said property so taken, stolen, and carried away as aforesaid."

PLEAS.—To the first specification, first charge, "not guilty;" to the second specification, first charge, "not guilty;" to the first charge, "not guilty;" to the specification, second charge, "not guilty;" to the second charge, "not guilty;" to the first specification, third charge, "not guilty;" to the second specification, third charge, "not guilty;" to the third charge, "not guilty;" to the specification, fourth charge, "not guilty;" to the fourth charge, "not guilty."

FINDINGS.—Of the first specification, first charge, "guilty, except the word 'organize,' substituting therefor the word 'collect,' of the excepted word, not guilty, and of the substituted word guilty." Of the second specification, first charge, "guilty except the word 'organize,' substituting therefor the word 'collect,' of the excepted word not guilty, and of the substituted word guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty, except the word 'organize,' substituting therefor the word 'collect,' of the excepted word not guilty, and of the substituted word guilty." Of the second charge, "guilty." Of the first specification, third charge, "guilty, except the words 'organized,' appearing in two places, substituting therefor the word 'collected,' and except the words 'at the dwelling house,' substituting therefor the words 'in and near the dwelling house,' of the excepted words not guilty, and of the substituted words guilty." Of the second specification, third charge, "guilty, except the words 'organized,' appearing in two places, substituting therefor the word 'collected,' and except the words 'at the dwelling house,' substituting therefor the words 'in and near the dwelling house,' of the excepted words not guilty, and of the substituted words guilty." Of the third charge, "guilty." Of the specification, fourth charge, finds the facts essentially as charged, but attaches no further criminality thereto than is contained in the previous charge. Of the fourth charge, "not guilty."

SENTENCE.—And the commission does therefore sentence him, the said Perfecto Poblador, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for a period of twenty (20) years."

In the foregoing case of Perfecto Poblador, native, it was admitted by his counsel that the crimes set forth in all the specifications—except that in the specification to the fourth charge—had been committed, but denied all participation or responsibility of the accused therein. From the evidence of many witnesses, however, it clearly appears that the accused was obeyed by the band of outlaws which committed the crimes in the manner alleged; that he was seen with said band immediately before and immediately after they had plundered the houses of Pindon and Longno, that he was reputed to be and was obeyed as "Jefe Superior," and that there is no reasonable doubt that he gave the orders and required his subordinate leaders in the band to commit the crimes alleged, and that he gave such orders because the families whom he caused to be plundered and their lives to be placed in jeopardy held friendly relations with the Americans.

His defense consisted of an attempt to hide his own responsibility behind the acts of the dupes who obeyed his unlawful orders, and who, having been found guilty of their part in these crimes, are now undergoing punishment by imprisonment at hard labor.

The sentence, which was approved by the department commander on November 13, 1900, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 24, 1900.

General Orders, No. 149.

Before a military commission which convened at San Isidro, province of Nueva Ecija, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 43, Headquarters Department of Northern Luzon, June 4, 1900, and of which Major Joseph Wheeler, jr., 34th Infantry, U. S. Volunteers, was president, and First Lieutenant Ivers W. Leonard, 22d U. S. Infantry, was judge-advocate, was arraigned and tried Santiago Robles, a native.

CHARGE I.—"Treachery, in violation of the laws and customs of war." Specification: "In that he, Santiago Robles, a native, and a so-called captain of insurgents, then a lieutenant of insurgents, having been captured by the American troops, and having been released from such captivity, April 12, 1900, upon taking an oath of allegiance to the United States in words and figures as follows, viz: 'I, Santiago Robles, do solemnly swear that I recognize and accept the supreme authority of the United States of America, and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees duly promulgated by its authority; that I impose upon myself this obligation voluntarily and without mental reservation or purpose of evasion, so help me God,' did subsequently bear arms against the United States and was captured so bearing arms and exercising command as captain of a force of insurgents or bandits, in violation of his oath. This, in time of insurrection against the United States, at Mayapyap, a barrio of Cabanatuan, P. I., on May 10, 1900."

CHARGE II.—"Kidnaping." Specification: "In that he, Santiago Robles, a native and a so-called captain of insurgents or bandits, did, in the company of several armed men of his band, take forcible possession of the person of one Teafilo Gutieras, a native, and did carry him, the said Gutieras, or cause him to be carried, off in the direction of Mayapyap, a barrio of Cabanatuan, P. I., since which occurrence the said Gutieras has not been seen nor heard from. This, in time of insurrection, in the barrio of Aduas, in the town of Cabanatuan, province of Nueva Ecija, on or about May 1, 1900, in territory held and occupied by United States forces."

PLEAS.—To the specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty."

FINDINGS.—Of the specification, first charge, "guilty." Of the first charge, "guilty." Of the specification, second charge, "not guilty." Of the second charge, "not guilty."

SENTENCE.—And the commission does therefore sentence him, Santiago Robles, a native, "To be confined at hard labor, at such place as the proper authority may direct, for the period of his natural life."

In the foregoing case of Santiago Robles, native, it conclusively appears by the evidence that the accused, after subscribing the oath of allegiance to the United States and thereby securing his release from captivity as a prisoner of war, returned to the ranks of the insurgents and again took up arms against the United States.

The sentence, which was approved by the department commander on the 26th day of November, 1900, is confirmed, but is mitigated to confinement at hard labor for the term of ten years, and, as thus mitigated, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 28, 1900.

General Orders, No. 151.

Before a military commission which convened at Laoag, province of Ilocos Norte, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 74, Headquarters Department of Northern Luzon, July 6, 1900, and of which Maj. Samuel M. Swigert, 3d U. S. Cavalry, was president, and First Lieut. Wilson G. Heaton, 34th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried: Regino Antonio, José Madamba, Toribio Lopez, and Augustin Echevarri, natives.

CHARGE.—“Murder.” Specification.—“In that Regino Antonio, José Madamba, Toribio Lopez, and Augustin Echevarri, all natives of the Philippine Islands, did, in company with others, names unknown, set upon and carry away and did willfully, feloniously, and with malice aforethought kill and murder Eugenio Tomayo, Eduardo Pata, and Salvador Gorospe, natives, by cutting and stabbing the said Tomayo, Pata, and Gorospe with bolos held in the hands of the said Antonio, Madamba, Lopez, and Echevarri, inflicting wounds therewith whereof the said Tomayo, Pata, and Gorospe then and there, or presently after, died, and did throw the bodies of the said Tomayo, Pata, and Gorospe into a well, the said Tomayo, Pata, and Gorospe being at the time members of the regularly constituted police force of the pueblo of Laoag, Luzon, P. I., and at the time in the proper performance of their duty under civil government established under the protection of the military authorities of the United States. This during a time of insurrection in the jurisdiction of San Nicolas, Ilocos Norte, Luzon, P. I., on or about April 17, 1900.”

PLEAS.—To the specification, “Not guilty.” To the charge, “Not guilty.”

FINDINGS.—Of the specification, “Guilty, excepting the words ‘cutting and stabbing the said Tomayo, Pata, and Gorospe with bolos in the hands of the said Antonio, Madamba, Lopez, and Echevarri, inflicting wounds therewith whereof the said Tomayo, Pata, and Gorospe then and there, or presently after, died, and did throw the bodies of the said Tomayo, Pata, and Gorospe into a well,’ and substituting the words, ‘binding the hands of the said Eugenio Tomayo, Eduardo Pata, and Salvador Gorospe behind their backs and throwing the said Tomayo, Pata, and Gorospe into a well and filling dirt into said well until the said Eugenio Tomayo, Eduardo Pata, and Salvador Gorospe were covered up and dead’ of the excepted words not guilty, of the substituted words guilty.” Of the charge, “Guilty.”

SENTENCE.—And the commission does, therefore, sentence them, Regino Antonio, José Mandamba, Toribio Lopez, and Augustin Echevarri, natives, and each of them, “To be hung by the neck until dead, at such place and time as the reviewing authority may designate, two-thirds of the commission concurring therein.”

In the foregoing case of Regino Antonio, José Madamba, Toribio Lopez, and Augustin Echevarri, natives, who were jointly tried, it appears from the testimony of many witnesses and from the statements of three of these accused, made before the commission trying them, that three men who had taken service as policemen in a pueblo under American control were, for some purpose not clearly revealed by the evidence, sent by a native official to the neighboring pueblo of San Nicolas, where they arrived about midday and repaired to the presidencia for rest and a siesta; that while asleep they were seized by a band of men, about ten in number—chiefly citizens of San Nicolas—armed with a pistol, bolos, and clubs. That first tying the arms of their captives behind their backs, the band proceeded to beat and wound them with bolos; that they were then taken into the sacristy of the church to be confessed by the padre, then put into a carromata and taken to the outskirts of the pueblo where, bound and helpless, but resisting as best they might, they were thrown into a well “about ‘six varas’ deep” and literally buried alive with earth thrown upon them until the well was partly filled.

That these policemen were with deliberate purpose ordered from the friendly protection of their own pueblo to San Nicolas, there to be murdered, the evidence leaves but little doubt; that they were deliberately murdered in the manner described, and that all these accused were willing and active participants therein, the evidence leaves no reasonable doubt, except in the case of Augustin Echevarri, who possibly did his part as lookout more from compulsion than a desire to assist.

The sentences which were approved by the department commander on November 24, 1900, are confirmed, and, in the cases of Regino Antonio, José Madamba, and Toribio Lopez will be executed at the pueblo of San Nicolas, province of Ilocos Norte, Luzon, P. I., on the 18th day of January, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

The sentence in the case of Augustin Echevarri is, upon the recommendation of the department commander, mitigated to confinement at hard labor for the period of fifteen years, and, as thus mitigated, will be duly executed at the Presidio de Manila, to which place this prisoner will be sent under proper guard.

By command of Major-General MacArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 31, 1900.

General Orders, No. 153.

Before a military commission which convened at Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 110, Headquarters Department of Northern Luzon, August 15, 1900, and of which Major William H. Bishop, 36th Infantry, U. S. Volunteers, was president, and Captain Warren H. Ickis, 36th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Ysidro Cacho, a native.

CHARGE I.—“Consorting and acting with a band of armed outlaws.” Specification: In that he, Ysidro Cacho, native, did consort and act with a band of armed outlaws and numbering 10, more or less, the said band, during the time the said Ysidro Cacho was consorting and acting with it as aforesaid, being actually engaged in robbery and assassination, in and near the barrio of Natulang, pueblo of Bolinao, province of Zambales, P. I. This at or near the place specified, a place then, as now, within the theater of active military operations by the United States forces, during the months of May and June, 1900, a time then, as now, of insurrection against the United States.”

CHARGE II.—“Murder.” Specification: “In that he, Ysidro Cacho, a native, did consort and act with a band of armed outlaws and numbering 10, more or less, commanded and led by the said Ysidro Cacho, willfully, feloniously, with malice aforethought and fiendish cruelty, torture, mutilate, kill, and murder one Catalino Samson by tying and binding him and thereby rendering him helpless to defend himself; and did cut out his tongue and did cut him, the said Samson, in the head with a bolo, and did give orders to one Bonifacio Bonson to stab the said Samson, and by reason of such cutting and stabbing wounds were inflicted whereof he, the said Catalino Samson, then and there died. This at or near the barrio of Natulang, pueblo of Bolinao, province of Zambales, P. I., a place then, as now, within the theater of active military operations by United States forces, on or about June 29, 1900, a time then, as now, of insurrection against the United States.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDING.—Of the specification, first charge, “guilty, except the words ‘robbery and,’ and of the excepted words not guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Ysidro Cacho, native, “To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Ysidro Cacho, native, it appears from the evidence that the accused was an officer of militia having two barrios under his jurisdiction; that, upon his own orders or the orders he had received from higher insurgent authority, he caused the deceased, who at the time was employed as a cook for the American officers in the pueblo of Bolinao—and apparently for this reason only—to be seized and delivered to him at his residence in the barrio of Natulang; that the accused and one Bonifacio Bonson took the deceased to the fields one-half mile from the house of

the accused and proceeded to kill him by striking him with a bolo over the head, stabbing him with a dagger in the breast, and then cutting off his hands and feet and cutting out his tongue.

On the witness stand the accused admitted he had caused the deceased to be seized and that he had delivered him to the said Bonifacio Bonson, to be killed; but beyond this public confession the evidence conclusively shows that the accused delivered the first fatal blows upon the body of the deceased and then stood by to witness the burial of that body after it had been mutilated in the barbarous manner as charged.

The sentence, which was approved by the department commander on November 4, 1900, is confirmed and will be duly executed at the pueblo of Bolinao, province of Zambales, Luzon, P. I., on the 18th day of January, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 3, 1901.

General Orders, No. 2.

Before a military commission which convened at Dagupan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 14, Special Orders, No. 178, headquarters Department of Northern Luzon, October 24, 1900, and of which Maj. Charles A. Williams, 17th U. S. Infantry, was president, and First Lieut. Thomas L. Smith, 17th U. S. Infantry, was judge advocate, was arraigned and tried Blas de la Rosa, native.

CHARGE.—“Murder.”

Specification 1.—“In that he, Blas de la Rosa, native, did, on or about April 25, 1900, at or near barrio of Mabilita, pueblo of Dasol, province of Zambales, Luzon, territory then, as now (October 8, 1900), occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, in company of, and consorting with, a band of armed outlaws to the number of seven, more or less, wilfully, feloniously, and with malice aforethought kill and murder Pedro Abilla, a native, by shooting him, the said Abilla, with rifles held in the hands of said band of which he, the said Blas de la Rosa, was one, inflicting wounds therewith whereof he, said Pedro Abilla, then and there died. This on or about the date and at or near the place specified.”

Specification 2.—“In that he, Blas de la Rosa, native, did, on or about April 10, 1900, at or near Balangbang, a sitio of Dasol, Zambales, Luzon, then, as now, territory occupied by the United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, in company of, and consorting with, a band of armed outlaws ten, more or less, in number, wilfully, feloniously, and with malice aforethought kill and murder one Tito Balisiliso, a native, by shooting him, the said Balisiliso, with rifles, and cutting him with bolos, said rifles and bolos being held in the hands of said band of outlaws of which he, Blas de la Rosa, was one, inflicting wounds therewith whereof the said Tito Balisiliso, then and there died. This at times and places specified.”

PLEAS.—To the first specification, “not guilty.” To the second specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the first specification, “Guilty, excepting the word ‘Dasol,’ substituting therefor the words ‘San Isidro,’ of the excepted word not guilty, and of the substituted words guilty.” Of the second specification, “Guilty, excepting the word ‘Balisiliso,’ substituting therefor the word ‘Balisilisa,’ of the excepted word not guilty, and of the substituted word guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Blas de la Rosa, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Blas de la Rosa, native, it conclusively appears from the evidence of many eye-witnesses that the accused was a member of a band of outlaws and that he was present as a willing and active member thereof in the murder, accompanied with robbery, of two law-abiding men in the manner and form as charged.

The sentence, which was approved by the department commander on December 17, 1900, is confirmed and will be duly executed at the pueblo of Dasol, province of Zambales, Luzon, P. I., on the twenty-fifth (25) day of January, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., January 3, 1901.

General Orders, No. 3.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Major Joseph W. Duncan, 13th U. S. Infantry, was president, and First Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, were arraigned and tried Pedro Cavayan, Vicente Mendejar, Gregorio Lopez, and Lorenzo Refugia, natives.

CHARGE I.—“Forcible abduction.” Specification: “In that they, Pedro Cavayan, Vicente Mendejar, Gregorio Lopez, and Lorenzo Refugia, natives, and each of them, in company of and consorting with armed outlaws, to the number of eight, more or less, did unlawfully, forcibly, and feloniously seize and carry away, against his will, one Mariano Magpale, native.

“This in territory occupied by United States troops, in time of insurrection against the Government of the United States, on or about the third week of January, 1900, at or near the barrio of Dumanput, pueblo of Asingan, province of Pangasinan, Luzon, P. I.”

CHARGE II.—“Murder.” Specification: “In that they, Pedro Cavayan, Vicente Mendejar, Gregorio Lopez, and Lorenzo Refugia, natives, and each of them, in company of and consorting with armed outlaws, eight, more or less, in number, did willfully, feloniously, and with malice aforethought kill and murder Mariano Magpale by striking and cutting him, the said Magpale, with bolos held in the hands of the said Pedro Cavayan, Vicente Mendejar, Gregorio Lopez, and Lorenzo Refugia, and of said outlaws, and each of them inflicting wounds therewith whereof the said Magpale died.

“This in territory occupied by United States troops, in time of insurrection against the United States Government, on or about the third week of January, 1900, at or near the barrio of Dumanput, pueblo of Asingan, province of Pangasinan, Luzon, P. I.”

PLEAS.—To the specification, first charge, “not guilty;” to the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “not guilty.” Of the first charge, “not guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Pedro Cavayan, Vicente Mendejar, Gregorio Lopez, and Lorenzo Refugia, and each of them, “to be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Pedro Cavayan, Vicente Mendejar, Gregorio Lopez, and Lorenzo Refugia, who were jointly tried, the sentence, as approved by the department commander, is confirmed, but for reasons which though adequate are not apparent upon the record, is commuted in the case of each of these accused to confinement at hard labor for a period of fifteen years, and as thus commuted will be executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,

Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., January 9, 1901.

General Orders, No. 6.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 42, headquarters Department of Northern Luzon, June 3, 1900, and of which Major Charles F. Kieffer, surgeon, 48th Infantry, U. S. Volunteers, was president, and First Lieutenant William T. Johnson, 3d U. S. Cavalry, was judge-advocate, was arraigned and tried Lucino Almeida, a native.

CHARGE I.—“Relieving and knowingly harboring and protecting the enemies of the United States in time of insurrection, in violation of the laws of war.”

Specification 1.—“In that Lucino Almeida, a native, on or about the 5th day of January, 1900, then, as now, a time of insurrection, at or near his residence in the pueblo of San Fernando de Union, Luzon, P. I., a place then, as now, in the theater of active military operations and occupied by the troops of the United States, alleging and stat-

ing that he was the duly appointed Governor of Union Province, Luzon, P. I., did' by his own order, convene the 'Presidentes' of the 'Pueblos' of Union Province, and did, in this meeting, verbally order the 'Presidentes' of the 'Pueblos' or their representatives therein assembled to furnish food, provisions and supplies from time to time to the forces in insurrection against the United States, that might be in or near their respective jurisdictions; and did further order the said officials to give these supplies whenever demanded, and to likewise order their 'Cabezas' of their respective 'Barrios' to collect provisions for the insurgents from the residents of the 'Barrios,' that they were ordered to do this under threats of punishment if they failed to comply." "This at the time and place above specified."

Specification 2.—"In that Lucino Almeida, native, about the month of March, 1900, then, as now, a time of insurrection, in San Fernando de Union, Luzon, P. I., a place then, as now, in the theater of active military operations and occupied by the American troops, alleging and claiming to be the duly appointed Governor of Union Province, Luzon, did urge and order Matias Runes, 'Presidente local' of Cava, and others, to furnish food supplies and monies as a war contribution to those engaged in insurrection against the United States." "This at the time and place above specified."

Specification 3.—"In that Lucino Almeida, native, about the months of January and February, 1900, then, as now, a time of insurrection, in Union Province, Luzon, a place then, as now, in the theater of active military operations and occupied by the troops of the United States, alleging and claiming to be the duly appointed Governor of Union Province, Luzon, did order Juan Suyat, second 'Cabeza' of Pias, Feofilo Sanglay, 'Cabeza' of Santiago Sur, Teodoro Alviar, 'Cabeza' of Carletan, and other minor officials of Union Province, Luzon, to furnish food supplies and money as a war contribution to those engaged in insurrection against the United States." "This at the time and place above specified."

Specification 4.—"In that Lucino Almeida did furnish rice, money and other supplies in unknown quantities to bands engaged in insurrection against the United States, by ordering Paulino Alviar, 'Presidente' of San Fernando, Vicente Dumpit, 'Presidente' of Bauang, Pedro Rimondo, 'Presidente' of Naguilian, and other 'Presidentes,' names unknown, to furnish the said rice, money, and other supplies, assuming, in giving said orders, authority as Provincial Governor, which assumed authority the said 'Presidentes' believed to be genuine." "This in Union Province, Luzon, P. I., during or about the months of February and March, 1900, a time of insurrection."

Specification 5.—"In that Lucino Almeida, native, did relieve the enemy with money by ordering Paulino Alviar, presidente local of San Fernando de Union, to furnish \$80 in silver to one Joaquin Luna, an official of insurgent forces, on demand of the said Luna, assuming, in giving the said order, an authority as provincial governor, which assumed authority the said Alviar believed to be genuine, and on which order \$40 in silver, more or less, was furnished the said Joaquin Luna. This about February or March, 1900, a time of insurrection at San Fernando de Union, Luzon, a place in the theater of active military operations, and occupied by troops of the United States."

Specification 6.—"In that Lucino Almeida, native, and resident of the town of San Fernando de Union, occupied by troops of the United States, did relieve the enemy with money by ordering Paulino Alviar, presidente local of San Fernando de Union, Luzon, P. I., to furnish all the money in the town treasury, to one Joaquin Luna, an official of insurgent forces, on the written order of the said Joaquin Luna, dated San Fernando, March 16, 1900; the said Almeida assuming, in giving the said order to the said Alviar, authority as provincial governor, which assumed authority the said Alviar believed to be genuine, and on which order \$813.56, more or less, were furnished to the said Luna by the said Almeida. This at San Fernando, province of Union, on or about March 16, 1900."

Specification 7.—"In that Lucino Almeida, native, alleging and claiming to be the duly appointed civil governor of Union Province, Luzon, P. I., during or about the month of March, 1900, then, as now, a time of insurrection, did collect moneys and provisions in unknown amounts from the peaceful inhabitants of Union Province, Luzon, P. I., a place then, as now, in the theater of active military operations and occupied by troops of the United States, and did contribute the moneys and provisions, or a portion thereof, to the officials of the insurgent forces for use in the maintenance of the said body of insurgents. This at the time and place specified."

Specification 8.—"In that Lucino Almeida, native, alleging and claiming to be the duly appointed civil governor of Union Province, Luzon, P. I., during February and March, 1900, then, as now, a time of insurrection, did collect from all or some of the male adults of Union Province, Luzon, P. I., a place then, as now, in the theater of active military operations and occupied by the troops of the United States, to wit, \$1 silver each, and from the female adults, to wit, \$0.50 silver each for a 'certificado de ciu-

dadania,' when in fact the amount so collected, or a portion of it, was a contribution to the war fund of those engaged in insurrection against the United States. This at the time and places above specified."

Specification 9.—"In that Lucino Almeida, native, alleging and claiming to be the duly appointed civil governor of Union Province, Luzon, P. I., during or about the months of January, February, and March, 1900, then, as now, a time of insurrection, did knowingly permit Manuel Tinio, Blas Billamor, Joaquin Luna, Fortunato Gaerlan, and others, to maintain bands of armed insurgents, numbers unknown, in hiding or in camps at or near the 'barrios' Capanigian, Pacpacac, Bariquit, San Felipe, Candaroma, Bacsayan, 'pueblo' of San Juan, Union Province, Luzon, P. I., and other points, places then, as now, in the theater of active military operations, knowing that the said Tinio, Billamor, Luna, Gaerlan, and their armed bands were living in open and notorious insurrection against the United States. This in Union Province, Luzon, P. I., February and March, 1900."

Specification 10.—"In that Lucino Almeida, native, alleging and claiming to be the duly appointed civil governor of Union Province, Luzon, P. I., during or about the months of January, February, and March, 1900, then, as now, a time of insurrection, knowing that Manuel Tinio, Blas Billamor, Joaquin Luna, and Fortunato Gaerlan, and their bands of armed insurgents maintained camps in the 'barrios' of Capanigian, Pacpacac, Bariquit, San Felipe, Candaroma, Bacsayan, 'pueblo' of San Juan, Union Province, Luzon, P. I., and other places, then, as now, in the theater of active military operations, did knowingly conceal this information from the commanding officer of the American troops in Union Province, Luzon, P. I., and did aid and abet the said armed bands to remain in hiding, thereby harboring and protecting the said bands of armed insurgents to escape detection and capture. This in Union Province, Luzon, P. I., during or about February and March, 1900."

Specification 11.—"In that Lucino Almeida, native, alleging and claiming to be the duly appointed civil governor of Union Province, Luzon, P. I., during or about January, February, and March, 1900, then, as now, a time of insurrection, did force the peaceful inhabitants of Union Province, Luzon, P. I., a place then, as now, in the theater of active military operations, to conceal from the American forces the hiding places of Manuel Tinio, Blas Billamor, Fortunato Gaerlan, and Joaquin Luna, insurgents, and their armed bands of insurgents, thereby knowingly protecting and harboring the said insurgents and aiding them to escape detection and capture. This in Union Province, Luzon, P. I., during or about February and March, 1900."

Specification 12.—"In that the said Lucino Almeida, native, did knowingly permit an armed body of insurgents to abduct and carry away Ameliana, wife of Antonio de Dios, Spanish citizen of San Fernando de Union, Luzon, P. I., and to keep her in confinement without cause for three days, more or less, and did attempt to prevent the knowledge of her abduction from reaching the American forces, thereby protecting the enemies of the United States. This in Union Province, Luzon, P. I., about January 1, 1900, a time of insurrection."

CHARGE II.—"Holding correspondence with, and giving intelligence to, the enemies of the United States in time of insurrection, in violation of the laws of war."

Specification 1.—"In that Lucino Almeida, native, and resident of the town of San Fernando de Union, Luzon, P. I., occupied by United States troops, did, during or about the month of February, 1900, then, as now, a time of insurrection, in the house of 'Padre' Mariano Gaerlan, at San Juan; in the house of said Almeida in 'barrio' Santa Rosa, in 'barrio' Candaroma and Bacsayan, all of 'pueblo' of San Juan, Union Province, Luzon, P. I., and other points, places then, as now, in the theater of active military operations, hold communication with Joaquin Luna, Juan Gutierrez, Fortunato Gaerlan, and other enemies of the United States, and was in conference with them, knowing at the time that the said insurgents were living in open and notorious insurrection against the United States. This at the times and places above specified."

ADDITIONAL CHARGE.—"Holding correspondence with the enemy, in violation of the laws of war."

Specification.—"In that he, Lucino Almeida, native, on or about March 20, 1900, a time then, as now, of insurrection, in Union Province, Luzon, a place then, as now, in the theater of active military operations, and occupied by the military forces of the United States, did correspond with the enemies of the United States, by writing and sending a letter to one Manuel Tinio, a leader of insurgents, knowing that the said Tinio was living in open and notorious insurrection against the United States. This at the time and place above set forth."

PLEA.—"Not guilty."

FINDINGS.—Of the first specification, first charge, "guilty, except the words 'that they were ordered to do this under threats of punishment if they failed to comply,'

and of the excepted words not guilty." Of the second specification, first charge, "guilty." Of the third specification, first charge, "guilty." Of the fourth specification, first charge, "guilty." Of the fifth specification, first charge, "guilty, except word 'dollars' and substituting word 'pesos;' of substituted word guilty." Of the sixth specification, first charge, "guilty, except word 'dollars' and substituting 'pesos;' of the substituted word guilty." Of the seventh specification, first charge, "guilty." Of the eighth specification, first charge, "guilty, except the words 'all or' and of the excepted words not guilty." Of the ninth specification, first charge, "guilty." Of the tenth specification, first charge, "guilty." Of the eleventh specification, first charge, "not guilty." Of the twelfth specification, first charge, "not guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty." Of the specification, additional charge, "guilty." Of the additional charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Lucino Almeida, the accused, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years, and to pay a fine of twenty thousand (20,000) pesos."

In the foregoing case of Lucino Almeida, it appears of record that upon the occupation of the province of la Union by the American forces the accused was the provincial chief or presidente thereof, and was holding his said office from the insurrectionary junta; that in his said official capacity he called upon and made himself known to the commanding general of the American forces, tendered to him his services, and promised to aid him in the work of pacification of the province; that the accused, the presidentes of the pueblos, and headmen of the barrios were required to continue for the time being to fulfil the duties of their respective offices, and to instruct and urge the people to return to their peaceful avocations with assurance of the protection of American troops.

The evidence shows that the accused accepted the trust reposed in him with every outward sign of satisfaction and good will; that he thereafter obeyed instructions in special instances with seeming fidelity, and by his manner and speech continued to act the part of a friend of the occupying military government of the United States; but it is also made as plainly evident that while thus acting the rôle of a friend of the American cause the accused, the presidentes of the pueblos, and the minor native civil officials, many of whom had taken the oath of allegiance to the United States and of fidelity in the execution of their offices under its authority, were with a common and secret understanding administering their said offices under the orders and in the interest of the insurrectionary chiefs. Whenever they collected lawfully imposed taxes, they also sought to impose and treasonably and secretly collect a like or larger amount of tax for the benefit of the insurgent forces, and in some instances they diverted the public funds derived from taxes legitimately assessed and collected to the same treasonable use. They also invited voluntary and by divers methods made enforced contributions of money from the more wealthy Filipinos, and from the people generally contributions of clothing and monthly allotments of rice, meat, and other subsistence supplies which they delivered into the possession of the bands of guerrillas which infested the province, and whose secret camping places they carefully guarded from coming to the knowledge of the American troops.

That the accused had knowledge of these treasonable practices and that in certain instances he advised their continuation he admitted before the commission trying him; and that he secretly used the great influence of his office—from which he had not been formally suspended—to perfect methods whereby continuous and effective aid and encouragement was given the insurgent forces there is no reasonable doubt.

The facts above enumerated and clearly proven constitute the accused a "war traitor," a term employed to designate a most vicious and dangerous class, their operations being necessarily chiefly confined to the encouragement of armed prowlers and guerrilla bands, with their attending robberies, murders, and assassinations.

The sentence, approved by the department commander, is confirmed, but is commuted to deportation to the island of Guam, the prisoner there to remain during the continuance of the insurrection. As thus commuted the sentence will be duly executed.

The necessary orders for transportation and subsistence will be issued from these headquarters.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 9, 1901.

General Orders, No. 7.

Before a military commission which convened at Guiguinto, province of Bulacan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 53, Headquarters Department of Northern Luzon, June 15, 1900, and of which Major Albert Laws, 35th Infantry, U. S. Volunteers, was president, and 1st Lieutenant Alvin C. Voris, 35th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Catalino Landayan, native.

CHARGE I.—“Violation of the laws of war.”

Specification.—“In that Catalino Landayan, a native, did occupy and exercise for the insurgents, in territory held by the United States, the office of presidente of Guiguinto, province of Bulacan, P. I.”

“This in time of insurrection, at Guiguinto, province of Bulacan, P. I., during the months of September and October, 1900.”

CHARGE II.—“Giving intelligence to the enemy.”

Specification.—“In that Catalino Landayan, a native, while residing as an ‘amigo’ in the pueblo of Guiguinto, province of Bulacan, P. I., under the protection of the United States, did, in writing, give intelligence to the enemy of the strength, movements, and defenses of the United States garrison occupying said place.”

“This in time of insurrection, at Guiguinto, province of Bulacan, P. I., about the 12th and 18th of September, 1900.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Catalino Landayan, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of fifteen (15) years.”

In the foregoing case of Catalino Landayan, native, the evidence clearly shows that the accused accepted the office of presidente of the pueblo of Guiguinto from insurgent authority, at a time when that office was lawfully filled by a presidente appointed under the authority of the United States, and that while the accused was acting the part of an “amigo” of the Americans he was by letter advising the commanding general of the insurgent forces in his vicinity of the number and means of defense of the American troops in Guiguinto. Many of his treasonable letters having been captured from the enemy, and being confronted with them before the commission he admitted that he signed them, but averred that he had done so under threats of the insurgents against his life and property. But his zeal in the cause of the insurrection is too manifest to give value to his defense, which, even if true, could not avail to save him from the consequences of his treasonable acts.

The sentence, which was approved by the department commander on December 28, 1900, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 10, 1901.

General Orders, No. 8.

Before a military commission which convened at Sorsogon, province of Sorsogon, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 203, headquarters Department of Southern Luzon, November 4, 1900, and of which Major Keller Anderson, 47th Infantry, U. S. Volunteers, was president, and 1st Lieutenant George W. England, 47th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Mariano Dreu, native.

CHARGE I.—“Larceny.”

Specification 1.—“In that Mariano Dreu, native, being a lieutenant-colonel of insurgents and not being a member of any recognized military organization, but acting independently of the same, did cause and aid other persons whose names are unknown, similarly acting under his orders, he being their recognized leader, to feloniously and forcibly take, steal, and carry away from the premises of one Narsiso Docampa, a peaceable native, the sum of \$15, Mexican currency, 1 cow, of the value of \$40, Mexican currency, 1 carabao, of the value of \$60, Mexican currency, and 4 sacks of rice, of the value of \$12, Mexican currency, the property of said Narsiso Docampa.”

and did appropriate said property to his (Dreu's) own use and the use of his associates. This, in time of insurrection, at or near Bacon, P. I., a place under the military government of the United States, on or about the 6th day of September, 1900."

Specification 2.—"In that Mariano Dreu, native, being a lieutenant-colonel of insurgents and not being a member of any recognized military organization, but acting independently of the same, did cause and aid other persons whose names are unknown, similarly acting under his orders, he being their recognized leader, to feloniously and forcibly take, steal, and carry away from the premises of one Fito Dino, a peaceable native, the sum of \$80, Mexican currency, and 2 sacks of rice, of the value of \$6, Mexican currency, the property of said Fito Dino, and did appropriate said property to his (Dreu's) own use and the use of his associates. This, in time of insurrection, at or near Bacon, P. I., a place under the military government of the United States, on or about the 15th day of August, 1900."

Specification 3.—"In that Mariano Dreu, native, being a lieutenant-colonel of insurgents and not being a member of any recognized military organization, but acting independently of the same, did cause and aid other persons whose names are unknown, similarly acting under his orders, he being their recognized leader, to feloniously take, steal, and carry away from the premises of one Manuel Garcia, a peaceable native, the sum of \$320, Mexican currency, the property of the said Manuel Garcia. This, in time of insurrection, at or near Gatbo, P. I., a place under the military government of the United States, on or about the 1st day of June, 1900."

Specification 4.—"In that Mariano Dreu, native, being a lieutenant-colonel of insurgents and not being a member of any recognized military organization, but acting independently of the same, did feloniously and forcibly take, steal, and carry away from the premises of one Timoteo Diocaresa, a peaceable native, the following-named articles, to wit: \$63.55, Mexican currency, 6 pieces of silk, of the value of \$8.75, 7 pairs of trousers, of the value of \$7.50, 4 shirts, of the value of \$4.50, 1 piece of cinamay, of the value of \$2.50, a quantity of chocolate, of the value of \$5, 5 outer shirts, of the value of \$4.60, one straw sleeping mat, of the value of \$1.10, 1 pair of 100-pound scales, of the value of \$5, and 2 pillows, of the value of \$2; total value of money and articles, \$106.80, Mexican currency, the property of the said Timoteo Diocaresa. This, in time of insurrection, at the barrio of Capangdan, Bacon, P. I., a place under the military government of the United States, on or about the 24th day of July, 1900."

CHARGE II.—"Violation of the laws of war."

Specification 1.—"In that Mariano Dreu, native, being a lieutenant-colonel of insurgents, and not being a member of any recognized military organization, but acting independently of the same, in company with other persons whose names are unknown, similarly acting under his orders, he being their recognized leader, did feloniously and forcibly seize, take prisoner, and carry away one Narsiso Docampa, a peaceable native, and did hold said Narsiso Docampa prisoner, against his (Docampa's) will, from on or about the 6th day of September, 1900, until on or about the 22d day of September, 1900. This, in time of insurrection, at or near Bacon, P. I., a place under the military government of the United States, on or about and between the dates above specified."

Specification 2.—"In that Mariano Dreu, native, being a lieutenant-colonel of insurgents, and not being a member of any recognized military organization, but acting independently of the same, in company with other persons whose names are unknown, similarly acting under his orders, he being their recognized leader, did feloniously and forcibly seize, take prisoner, and carry away one Fito Dino, a peaceable native, and did hold the said Fito Dino prisoner against his (Dino's) will, from on or about the 15th day of August, 1900, until on or about the 22d day of October, 1900. This, in time of insurrection, at or near Bacon, P. I., a place under the military government of the United States, on or about and between the dates above specified."

Specification 3.—"In that Mariano Dreu, native, being a lieutenant-colonel of insurgents, and not being a member of any recognized military organization, but acting independently of the same, having, in company with other persons, whose names are unknown, similarly acting under his orders, he being their recognized leader, unlawfully and forcibly seized, taken prisoner, and carried away one Manuel Garcia, a peaceable native, did maltreat and did aid and abet in the maltreatment of the said Manuel Garcia, by causing him, the said Garcia, to be placed in the stocks. This, in time of insurrection, at or near Gatbo, P. I., a place under the military government of the United States, on or about the 1st day of June, 1900."

PLEA.—"Not guilty."

FINDINGS.—Of the first specification, first charge, "guilty, except as to the words, '\$15,' and of the excepted words not guilty, and substituting therefor the words '\$15.37' and of the substituted words guilty." Of the second specification, first

charge, "guilty." Of the third specification, first charge, "guilty." Of the fourth specification, first charge, "guilty, except as to the words '\$63,' and of the excepted words not guilty, and substituting therefor the words '\$503' and of the substituted words guilty, and except as to the words '\$106,' and of the excepted words not guilty, and substituting therefor the words '\$546' and of the substituted words guilty." Of the first charge, "guilty." Of the first specification, second charge, "guilty." Of the second specification, second charge, "guilty." Of the third specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Mariano Dreu, native, "To be confined at hard labor, at such place as the reviewing authority may designate, for the period of fifteen years."

In the foregoing case of Mariano Dreu, native, the evidence shows and the accused admits that he was a lieutenant-colonel of insurgents, and that his armed band of followers did commit the offenses in the manner as charged.

The evidence clearly shows that his general plan of operation was to visit a house in the nighttime, assault and abuse the husband and wife, and threaten them with death to induce them to produce their money and other valuables. Possessed of these, the band would then depart, taking their victims with them to their camp. Here their prisoners were subjected to further indignities, whipped, put in the stocks, and made to suffer until some of them made further discoveries of the hiding places of their money, which the band would then send for and secure. The reason given by members of the band for these crimes was that the people robbed and maltreated were "Americanistas." Whether or not this was a mere pretext for acting the part of *ladrones* is not material, the fact being that their methods were no whit different from those of the vilest robbers and thieves. That, as leader, the accused was responsible for and was actually present and took part with his followers in committing these offenses there is no reasonable doubt.

The remark of the department commander, in approving the sentence, that it was "deemed inadequate," is fully concurred in. The sentence is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 10, 1901.

General Orders, No. 9.

Before a military commission which convened at Balanga, province of Bataan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 64, Headquarters Department of Northern Luzon, June 26, 1900, and of which Lieut. Col. Lewis H. Strother, 32d Infantry, U. S. Volunteers, was president, and First Lieut. James C. Hixson, 32d Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried Hilario Matacot, Domingo Samson, Alijo Garcia, and Mariano Villanueva, natives.

CHARGE.—"Murder." Specification.—"In that they, Hilario Matacot, Domingo Samson, Alijo Garcia, and Mariano Villanueva, natives, and each of them, on or about the 4th day of April, 1900, then, as now, a time of insurrection, at or near the barrio of Salyan, province of Bataan, island of Luzon, P. I., a place then, as now, within the theater of active military operations, in company of, and consorting with, a band of outlaws to the number of eight, more or less, did each willfully, feloniously, and with malice aforethought, kill and murder one Pedro Quintin, a native, by stabbing him, the said Pedro Quintin, with a dagger and cutting him, the said Pedro Quintin, with bolos held in the hands of members of said band, inflicting wounds therewith whereof he, the said Pedro Quintin, suffering and lingering, died on the 5th day of April, 1900. This at the times and place above specified."

PLEA.—"Not guilty."

FINDINGS.

Hilario Matacot. Of the specification, "guilty, except the words, 'kill and murder one Pedro Quintin, a native, by stabbing him, the said Pedro Quintin, with a dagger and cutting him, the said Pedro Quintin, with bolos;' and for the excepted words substituting the words, 'assist some person or parties to kill and murder, by striking with a bolo and stabbing with a dagger, one Pedro Quintin,' and of the excepted words not guilty, but of the substituted words guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Hilario Matacot, native, “to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

Domingo Samson, Alijo Garcia, and Mariano Villanueva: Of the specification, “not guilty,” of the charge, “not guilty.”

And the commission does therefore acquit them, Domingo Samson, Alijo Garcia, and Mariano Villanueva, natives, and each of them.

In the foregoing case of Hilario Matacot, Domingo Samson, Alijo Garcia, and Mariano Villanueva, the proceedings are approved. The acquittal of Domingo Samson and Alijo Garcia by the commission, approved by the commanding general, Department of Northern Luzon, on July 28, 1900, is confirmed, and the acquittal of Mariano Villanueva by the commission is approved.

The sentence awarded the accused Hilario Matacot, as approved by the department commander, is confirmed, but is commuted to confinement at hard labor for the period of twenty years, it not appearing that this accused bore a principal or other than a subordinate part in the murder committed and it being shown that none of the wounds received by the murdered man were inflicted by him. As thus commuted, the sentence will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 23, 1901.

General Orders, No. 13.

Before a military commission which convened at San Pablo, Laguna Province, Luzon, P. I., pursuant to paragraph 19, Special Orders, No. 213, Headquarters Department of Southern Luzon, November 14, 1900, and of which Maj. Benjamin M. Koehler, 37th Infantry, U. S. Volunteers, was president, and First Lieut. William Yates, 1st U. S. Cavalry, was judge-advocate, were arraigned and tried Cosme Sicat and Eligio Reyes, natives.

CHARGE.—“Murder.” Specification.—“In that Cosme Sicat and Eligio Reyes, natives, both residents of San Gabriel, pueblo of San Pablo, Province of Laguna, Luzon, P. I., did willfully and feloniously, and with malice aforethought, kill and murder one Po Bangco, a Chinaman, and a peaceable resident of the Province of Laguna, Luzon, P. I., by striking the said Po Bangco with clubs, knives, and bolos, thereby inflicting upon the said Po Bangco wounds, as the result of which the said Po Bangco did then and there die. This on or about September 1, 1900, in a time of insurrection near San Gabriel, in the pueblo of San Pablo, Province of Laguna, Luzon, P. I., a place then, as now, under the military government of the United States, and within the theater of the active military operations of the United States army in the field.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Cosme Sicat and Eligio Reyes, both natives, “to be hanged by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Cosme Sicat and Eligio Reyes, natives, who were jointly tried, it appears of record that the accused, at a preliminary hearing of their cases, instituted in the presidencia municipal before duly qualified native officials, voluntarily confessed that they killed the deceased, and recited in justification of their act that they had in the daytime met the deceased on the road and purchased from him a package of cigarettes for which they made tender of half a peso; that after receiving their change the deceased proceeded on his way; that the accused then discovered that the change returned to them was “two cuartos” (less than half a penny) short—when they pursued, and, overtaking the deceased, demanded of him the balance of their change. The deceased declining to return the change claimed to be due and making a “movement as if to run away” they “caught him by the hand, whereupon he drew a knife from his pocket” which they knocked from his hand and which one of the accused “instantly caught up,” and as “the Chinaman was crying out that they were robbing him, which was an abuse” which, using their own language, “infuriated and obliged them to maltreat” him “until he was left dead.”

The native officials on the witness stand orally confirmed the official record made

by them and described the nature of the fatal wounds exhibited by the body of the deceased, which they found lying dead at the scene of the murder. The knife said to have been drawn by the deceased against these accused was not found.

In law no man is suffered to kill his assailant unless, being unable to escape from or avoid him, he is compelled to kill such assailant in order to save his own life. Admitting that in this case the deceased did draw a knife against these accused, they, by their own confession, took it from him, and being thus comparatively safe and surely without imminent danger of their own lives, they had no excuse whatever for committing the murder, of which they, without doubt, stand rightfully convicted. The sole mitigating circumstance is that the crime was committed in sudden anger, growing out of a sense of personal wrong done to them.

The sentence, approved by the department commander, is confirmed, but is mitigated to confinement at hard labor for the period of their natural lives, and as thus mitigated will be duly executed at the presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 24, 1901.

General Orders, No. 14.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 9, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Capt. William L. Buck, Thirteenth U. S. Infantry, was president, and First Lieut. Palmer E. Pierce, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Enrico Alarcon, a native.

CHARGE I.—“Murder.”

Specification 1.—“In that he, Enrico Alarcon, native, on or about February 15, 1900, then, as now, a time of insurrection, at or near the barrio Abonagon, pueblo of Malasiqui, island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of, and consorting with, a band of ladrones, armed with deadly weapons, to wit, Mauser and Remington rifles and bolos, did willfully, feloniously, and with malice aforethought kill and murder one Gabil Estrado, a native, by shooting him with said rifles, held in the hands of members of said band, inflicting wounds therewith whereof he the said Gabil Estrado, then and there died; he, the said Enrico Alarcon, being then and there aiding and cooperating with said band. This at the time and place above specified.”

Specification 2.—“In that he, Enrico Alarcon, native, on or about November 23, 1899, then, as now, a time of insurrection, at the town of Malasiqui, pueblo of Malasiqui, province of Pangasinan, island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of, and consorting with, a band of ladrones, armed with deadly weapons, to wit, Mauser and Remington rifles and bolos, did call from their houses, bind and carry to a secluded spot near the town of Malasiqui, pueblo of Malasiqui, province of Pangasinan, island of Luzon, P. I., and there willfully, feloniously, and with malice aforethought murder and kill the following-named natives, to wit: Antonio Mejia, local president of pueblo of Malasiqui; Cecilio Bulatao, justice of the peace, pueblo of Malasiqui; Macario Mejia, delegate, pueblo of Malasiqui; Francisco Macaraeg, delegate, pueblo of Malasiqui; Felix Centeno, delegate, pueblo of Malasiqui; Jacinto Centeno, citizen, pueblo of Malasiqui, by shooting them, the above-named natives, with said rifles, held in the hands of said band, inflicting wounds therewith whereof they, the above-named natives, did then and there die; he, the said Enrico Alarcon, being then and there present, aiding and cooperating with said band. This at the time and place above specified.”

CHARGE II.—“Robbery.”

Specification 1.—“In that he, Enrico Alarcon, native, on or about November 23, 1899, then, as now, a time of insurrection, at the town of Malasiqui, pueblo of Malasiqui, province of Pangasinan, island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of and consorting with a band of ladrones, armed with deadly weapons, to wit, Mauser and Remington rifles and bolos, did feloniously and forcibly take from the presence of Maria Centeno, widow of murdered president of Malasiqui, a quantity of money and jewelry valued at three hundred pesos, more or less, the property of said Maria Centeno; and did,

at the time and place above specified, feloniously and forcibly take from the presence of Francisco Macaraeg, citizen of Malasiqui, a quantity of money and valuables, value unknown, the property of said Francisco Macaraeg; and did, at the time and place above specified, feloniously and forcibly take from the presence of Domingo Centeno, native of Malasiqui, two hundred and fifty pesos, more or less; three saddles, value unknown; two horses, valued at fifty pesos, more or less, and merchandise to the value of two hundred and fifty pesos, more or less, the property of said Domingo Centeno; the said Enrico Alarcon being then and there aiding and cooperating with said band. This at the time and place above specified."

Specification II.—"In that he, Enrico Alarcon, native, on or about November 24, 1899, then, as now, a time of insurrection, at or near the town of Malasiqui, pueblo of Malasiqui, Province of Pangasinan, Island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of, and consorting with, a band of ladrones, armed with deadly weapons, to wit, Mauser and Remington rifles and bolos, did feloniously and forcibly take from the presence of one Ambrosia Macaranos, native, money to the amount of thirty pesos, more or less, and merchandise to the value of one hundred and fifty pesos, more or less, property of said Ambrosia Macaranos, he, said Enrico Alarcon, being then and there present aiding and cooperating with said band. This at the time and place above specified."

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge, "guilty except of the words 'Mauser and Remington,' and of the excepted words not guilty." Of the second specification, first charge, "guilty." Of the first charge, "guilty." Of the first specification, second charge, "guilty," except of the words 'Two hundred and fifty pesos, more or less, three saddles, value unknown; two horses, valued at fifty pesos, more or less, and merchandise to the value of two hundred and fifty pesos, more or less, the property of said Domingo Centeno,' substituting therefor the words 'one horse, value unknown, and one saddle valued at two and a half pesos,' and of the excepted words 'not guilty,' and of the substituted words guilty." Of the second specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Enrico Alarcon, a native, "To be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

II. Esteban Palaganas.

CHARGE I.—"Murder."

Specification 1.—"In that he, Esteban Palaganas, a native, on or about November 23, 1899, then, as now, a time of insurrection against the lawful authority of the United States, at the pueblo of Malasiqui, Province of Pangasinan, Island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of, and consorting with, a band of ladrones, armed with deadly weapons, to wit, Mauser and Remington rifles and bolos, did call from their houses, bind, and carry to a secluded spot near the town of Malasiqui, Province of Pangasinan, Island of Luzon, P. I., and did there wilfully, feloniously, and with malice aforethought murder and kill the following-named natives, to wit, Antonio Mejia, local presidente of the pueblo of Malasiqui; Cecilio Bulatao, justice of the peace, pueblo of Malasiqui; Mecario Mejia, delegate, pueblo of Malasiqui; Felix Centeno, a delegate, pueblo of Malasiqui; Gavino Macasieb, delegate, pueblo of Malasiqui; Jacinto Centeno, a citizen of Malasiqui, by shooting them, the above-named natives, with said rifles, held in the hands of said band, inflicting wounds therewith whereof they, the above-named natives, did then and there die; he, the said Esteban Palaganas, being then and there present, aiding and cooperating with said band. This at the time and place above specified."

CHARGE II.—"Robbery."

Specification 1.—"In that he, Esteban Palaganas, native, on or about November 23, 1899, then, as now, a time of insurrection against the lawful authority of the United States, at the pueblo of Malasiqui, Province of Pangasinan, Island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of, and consorting with, a band of ladrones armed with deadly weapons, to wit, Mauser and Remington rifles and bolos did feloniously and forcibly take from the presence of Maria Centeno, widow of murdered presidente of Malasiqui, a quantity of money and jewelry, valued at three hundred pesos, more or less, the property of the said Maria Centeno; and did, at the time and place above specified, feloniously and forcibly take from the presence of Francisco Macaraeg a quantity of money and valuables, value unknown, property of said Francisco Macaraeg; and did, at the time and place above specified, feloniously and forcibly take from the presence of Domingo Centeno two hundred and fifty pesos, more or less, three saddles, value unknown, two horses, valued at fifty pesos, more or less, and merchandise to the

value of two hundred and fifty pesos, more or less, the property of said Domingo Centeno; and did at the time and place above specified feloniously and forcibly take from the presence of Maria Cayabyab one hundred pesos, more or less, and a quantity of jewelry, value unknown, the property of the said Maria Cayabyab; and did, at the time and place above specified, feloniously and forcibly take from the presence of Matea Tuazon seventy pesos, more or less, and a quantity of jewelry, value unknown, the property of the said Matea Tuazon; he, the said Esteban Palaganus, aiding and cooperating with said band. This at the time and place above specified."

PLEAS.—"Not guilty."

FINDINGS.—Of the specification, first charge, "guilty, except of the words 'Mauser and Remington,' and of the excepted words, not guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty, except of the words 'Mauser and Remington,' and of the words 'value unknown, property of said Francisco Macaraeg,' substituting for the latter the words 'valued at about four hundred pesos, property of said Francisco Macaraeg;' and except the words 'two hundred and fifty pesos, more or less, three saddles, value unknown, two horses valued at fifty pesos, more or less, and merchandise to the value of two hundred and fifty pesos,' substituting therefor the words 'two horses, value unknown, and two saddles valued at five pesos,' and except of the words 'value unknown, the property of the said Maria Cayabyab,' substituting therefor the words 'valued at about one hundred pesos, the property of the said Maria Cayabyab,' and except of the words 'value unknown, the property of the said Matea Tuazon,' substituting therefor the words 'valued at about fifty pesos, the property of the said Matea Tuazon,' and of the excepted words not guilty, and of the substituted words guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Esteban Palaganas, native, "To be hung by the neck until dead, two-thirds of the members concurring therein, at such time and place as the reviewing authority may direct."

III. Leopoldo Salvador.

CHARGE I.—"Murder."

Specification.—"In that he, Leopoldo Salvador, native, on or about November 23, 1899, then, as now, a time of insurrection, at or near the pueblo of Malasiqui, island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of, and consorting with, a band of native men armed with deadly weapons, to wit, rifles, revolvers, and bolos, did wilfully, feloniously, and with malice aforethought kill and murder the following-named natives, to wit: Antonio Mejia, Cecilio Bolatao, Macario Mejia, Francisco Macaraeg, Gabino Macacieb, Felix Centeno, and Juan Centeno, by shooting them, the said A. Mejia, Bolatao, M. Mejia, Macaraeg, Macacieb, F. Centeno, and J. Centeno, with said rifles and revolvers; and by stabbing them, the said A. Mejia, Bolatao, M. Mejia, Macaraeg, Macacieb, F. Centeno, and J. Centeno, with bolos, held in the hands of members of said band, inflicting wounds therewith whereof they, the said A. Mejia, Bolatao, M. Mejia, Macaraeg, Macacieb, F. Centeno, and J. Centeno, then and there died; he, the said Leopoldo Salvador, being then and there present, aiding and cooperating with said band. This at the time and place above specified."

CHARGE II.—"Robbery."

Specification.—"In that he, Leopoldo Salvador, native, on or about November 23, 1899, then, as now, a time of insurrection, at or near the pueblo of Malasiqui, Island of Luzon, P. I., a place then, as now, under the military government of the United States, did, at the point of a revolver, feloniously take, steal, and carry away from the house of one Margarita Macaraeg, native, certain articles of clothing, of value unknown, the property of said Margarita Macaraeg. This at the time and place above specified."

PLEA.—"Not guilty."

FINDING.—Of the specification, first charge, "guilty, except of the words 'Juan Centeno' and 'J. Centeno' wherever they occur, and the word 'bolos' wherever it occurs, substituting for the latter word in each case the words 'bolos or bayonets,' and of the excepted words not guilty, and of the substituted words guilty." Of the first charge, "guilty." Of the specification, second charge, "not guilty." Of the second charge, "not guilty."

SENTENCE.—And the commission does therefore sentence him, Leopoldo Salvador, native, "To be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing cases of Enrico Alarcon, Esteban Palaganas, and Leopoldo Salvador, natives, it appears of record that the first named was the leader and the two others active members of a band of ladrones, that, armed with rifles and bolos, about midnight entered the pueblo of Malasiqui and, surrounding the house of the presidente, induced him by threats to give orders that the cabezas and other officials

of the pueblo should assemble at his house, which being done, the band bound them, and after a delay sufficient to accomplish the looting of the houses of their captives, marched them to a point a few yards beyond the limits of the pueblo and there with rifles shot them to death.

Robbery appears to have been the sole inducement for committing this barbarous murder of respected and law-abiding citizens of Malasiqui.

The sentences, approved by the department commander, are confirmed, and will be duly executed at the pueblo of Malasiqui, Province of Pangasinan, Luzon, P. I., on the fifteenth (15) day of February, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, United States Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 26, 1901.

General Orders, No. 16.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Maj. Joseph W. Duncan, 13th U. S. Infantry, was president, and First Lieut. Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, were arraigned and tried Pascual Camarao and Leocadio Andres, natives.

CHARGE I.—“Assault and battery with intent to do bodily harm.”

Specification.—“In that they, Pascual Camarao and Leocadio Andres, natives, in company of and consorting with armed outlaws to the number of eight, more or less, did, in time of insurrection, enter the barrio of San Felipe, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations, and did unlawfully seize, bind, and conduct therefrom, with intent to do bodily harm, Ambrosio Raymondo and Andres Villafior, natives, lawfully residing in said barrio. This at the place above specified on or about December 24, 1899.”

CHARGE II.—“Murder.”

Specification.—“In that they, Pascual Camarao and Leocadio Andres, natives, in company of, and consorting with a band of outlaws, eight, more or less, in number, armed with guns and bolos, did willfully, feloniously, and with malice aforethought, murder and kill Ambrosio Raymondo, native, by cutting and stabbing the said Raymondo with bolos held in the hands of the said Camarao and Andres and of the said outlaws, inflicting wounds therewith whereof he, the said Raymondo, then and there died. This in time of insurrection on or about December 24, 1899, at or near the barrio of Santo Domingo, pueblo of San Manuel, province of Pangasinan, P. I., a place then, as now, in the theater of military operations.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Pascual Camarao and Leocadio Andres, natives, and each of them, “To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Pascual Camarao and Leocadio Andres, natives, who were jointly tried, it appears from the evidence that Pascual Camarao had been denied the privilege of cutting bamboo from the property owned by the deceased. No other motive appears to explain why, with a band of followers, he kidnaped, carried away, and, with the assistance of Leocadio Andres, with bolos, delivered the fatal blows which took the life of a law-abiding man.

The sentences, as approved by the department commander, are confirmed and will be duly executed at pueblo of San Manuel, province of Pangasinan, Luzon, P. I., on the fifteenth (15th) day of February, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 25, 1901.

General Orders, No. 17.

Before a military commission which convened at Dagupan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 14, Special Orders, No. 178, Headquarters Department of Northern Luzon, October 24, 1900, and of which Maj. Charles A. Williams, Seventeenth United States Infantry, was president, and First Lieut. Thomas L. Smith, Seventeenth United States Infantry, was judge-advocate, were arranged and tried:

Julian Robillos, Dalmacio Robillos, Eugenio Soverano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoes, and Garciano Misláng, natives.

CHARGE I.—“Murder.”

Specification.—“In that Julian Robillos, Dalmacio Robillos, Eugenio Soverano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoes, and Garciano Misláng, natives, and each of them, being members of a band of natives armed with firearms and bolos, on or about March 1, 1900, a time then, as now, of insurrection against the lawful authority of the United States in territory then, as now, occupied by United States troops, did willfully, feloniously, and with malice aforethought kill and murder Gregorio Mamaril, Valentina Mamaril, Francisco Bautista, Dorotea Bautista and Policarpio Bautista, by cutting them the said Gregorio Mamaril, Valentina Mamaril, Francisco Bautista, Dorotea Bautista, and Policarpio Bautista, with bolos held in the hands of members of the said band, names unknown, inflicting wounds therewith, whereof the said Gregorio Mamaril, Valentina Mamaril, Francisco Bautista, Dorotea Bautista, and Policarpio Bautista, then and there died. This in or near the barrio Canaoalan, Binmaley, Pangasinan, P. I., on or about the date specified.”

CHARGE II.—“Kidnaping.”

Specification.—“In that Julian Robillos, Dalmacio Robillos, Eugenio Soverano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoes, and Garciano Misláng, natives, and each of them, being members of a band of natives armed with firearms and bolos, on or about March 1, 1900, a time then, as now, of insurrection against the lawful authority of the U. S. in territory then, as now, occupied by U. S. troops, did unlawfully, feloniously, and forcibly seize and take from their house and conduct away from the said house, against their will, Gregorio Mamaril, Valentina Mamaril, Francisco Bautista, Dorotea Bautista, and Policarpio Bautista. This in or near the barrio of Canaoalan, Binmaley, Pangasinan, P. I., on or about the date specified.”

CHARGE III.—“Arson.”

Specification.—“In that Julian Robillos, Dalmacio Robillos, Eugenio Soverano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoes, and Garciano Misláng, natives, and each of them, being members of a band of natives armed with firearms and bolos, on or about March 1, 1900, a time then, as now, of insurrection against the lawful authority of the U. S. in territory then, as now, occupied by U. S. troops, did willfully, feloniously, and maliciously set fire to and burn a dwelling house, the property of and occupied by Gregorio Mamaril. This in or near the barrio of Canaoalan, Binmaley, province of Pangasinan, P. I., on or about the date specified.”

CHARGE IV.—“Conduct to the prejudice of the good order and peace of the province of Pangasinan.”

Specification.—“In that Julian Robillos, Dalmacio Robillos, Eugenio Soverano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoes, and Garciano Misláng, natives, and each of them, did collect, or attempt to collect, money for the support of so-called insurgent soldiers, enemies of the United States in the field. This in the barrio of Canaoalan, Binmaley, province of Pangasinan, territory then, as now, occupied by U. S. troops during the months of January, February, March, and April, 1900, a period then, as now, of insurrection against the lawful authority of the United States.”

PLEAS.—“Not guilty.”

FINDINGS.

Of the specification, first charge, “guilty except of the words ‘March 1, 1900,’ substituting therefor the words ‘December 9, 1899.’ Of the excepted words, not guilty and of the substituted words, guilty.”

Of the first charge, “guilty.”

Of the specification, second charge, “guilty, except of the words ‘March 1, 1900,’ substituting therefor the words ‘December 9, 1899.’ Of the excepted words, not guilty, and of the substituted words, guilty.”

Of the second charge, "guilty."

Of the specification, third charge, "not guilty."

Of the third charge, "not guilty."

Of the specification, fourth charge, "guilty except of the words 'January and February.'" Of the excepted words, not guilty."

Of the fourth charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Dalmacio Robillos, Eugenio Soverano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoes, and Garciano Misláng, and each of them, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of thirty years;" and the said Julian Robillos, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of his natural life."

In the foregoing case of Julian Robillos, Dalmacio Robillos, Eugenio Soverano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoes, and Garciano Misláng, natives, who were jointly tried, it appears of record that a band of men armed with rifles, pistols, and bolos, seized in the nighttime a family of five persons, and taking their captives less than four hundred yards away, killed them with bolos and left their bodies lying dead upon the margin of a fish pond. One of the family, a woman, escaped after she had been threatened with violence by these accused, whom she had long known, plainly recognized, and saw them carry away her relatives—the deceased. Her testimony is confirmed by many witnesses in relation to the kidnaping, finding the dead bodies, and their burial. One witness, an ex-policeman, testified he followed the band, and from a short distance saw them deliver with bolos the fatal wounds whereof their victims died.

The motive for the murder—clearly brought out in the evidence—was the punishment of a family that had refused to pay taxes for the support of the insurgent forces. There being no reasonable doubt that these accused are guilty as charged, their sentences—approved by the department commander—are confirmed and will be duly executed. The Presidio de Manila is designated as the place of confinement, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 25, 1901.

General Orders, No. 18.

Before a military commission which convened at Tanauan, province of Batangas, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 192, Headquarters Department of Southern Luzon, October 24, 1900, and of which Major John H. Parker, 39th Infantry, U. S. Volunteers, was president, and 1st Lieutenant Edward H. White, 39th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried.

I. Francisco Rubio, native.

CHARGE.—"Being a spy."

Specification 1.—"That he, Francisco Rubio, native, a recruiting agent of the insurrecto forces, did enter the town of Tanauan, P. I., in white clothing, not the uniform of said forces, and did observe the drills, exercises, and inspections of the troops of the United States there stationed. This at Tanauan, province of Batangas, Luzon, P. I., then, as now, in time of insurrection against the United States, between the dates of September 10 and 30, 1900—about the 15th of September, 1900."

Specification 2.—"In that he, Francisco Rubio, native, did lurk about the lines of the forces of the United States, engaged in seeking information of a military nature, namely, the disposition of the inhabitants of the vicinity of Tanauan, province of Batangas, Luzon, P. I., toward the insurgent army, and the names of such inhabitants of said vicinity as were willing to serve as soldiers in the insurgent army. This at and near Tanauan, province of Batangas, Luzon, P. I., between the dates of September 8 and September 20, 1900, then, as now, in time of insurrection against the United States."

PLEA.—"Not guilty."

FINDING.—Of the first specification, "guilty, except of the words 'September 10 and September 30, 1900—about the 15th of September, 1900,' substituting therefor the words 'between the dates of September 1 and September 12, 1900,' and of the excepted words not guilty and of the substituted word guilty." Of the the second specification, "guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Francisco Rubio, native. “to be hanged by the neck, at such a place and time as the reviewing authority may direct, until he is dead, two-thirds of the members of the commission therein concurring.”

In the foregoing case of Francisco Rubio, native, it appears from the record that the accused was a stranger to the inhabitants of Tanauan; that he came among them as a teacher of a new society and exhorted the people to go with their families into the mountains, there “to learn the new religion,” and offering as further inducement that at the place of worship in the mountains there was nothing to do and plenty to eat; that he succeeded in getting a large number of people about him and so disturbed and excited them that they left their ordinary avocations in such numbers that the presidente of the pueblo deemed it his duty to arrest and restrain him. A few days after his arrest the accused sought an interview with the commanding officer of the American forces and voluntarily revealed to him that he was a captain of insurgents and claimed the treatment due to his rank; that he had then secured many recruits in Tanauan for the insurgent forces, and that his object in teaching a new religion was to induce the people to go to the mountains, knowing that if he could get the families there it would then be an easy matter to make insurrectos of the men.

That the accused practiced deception upon the credulous among the people substantially after the manner and for the purpose described; and that incidentally he acted the part of a spy the evidence of many witnesses leaves no reasonable doubt.

In his action upon the case the department commander remarked as follows:

“Two of the members of the commission and the judge-advocate were material witnesses against the accused. Though the trial seems to have been conducted with entire fairness by the commission, yet the counsel for the accused, upon learning that members of the commission were to appear as witnesses for the prosecution, should have exercised his right of challenge.

“There being no doubt, however, in the mind of the department commander of the guilt of this native and his deserving the penalty imposed by the sentence of the commission, the sentence is approved. But, in view of the circumstances mentioned above, it is recommended that the sentence be mitigated to confinement at hard labor for twenty years.”

The foregoing remarks of the department commander are concurred in and the sentence, as approved and recommended for mitigation, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

II. Francisco Rubio, Elagio Malales (alias Eulogio Maloles), Vincente Motas (alias Vicente Motas), Pantaleon Masunsong, Valentine Mercado, Camilo Carandang, Felix Binas (alias Feliz Binas), Andoy Rimas, Baldomero Austria, and Leon Tabier, natives.

CHARGE.—“Being war rebels.”

Specification 1.—“In that Vincente Motas (alias Vicente Motas), Francisco Rubio, Elagio Malales (alias Eulogio Maloles), Pantaleon Masunsong, Valentine Mercado, Camilo Carandang, Felix Binas (alias Feliz Binas), Andoy Rimas, Baldomero Austria, and Leon Tabier, natives, and other natives whose names are unknown, being citizens of and living and remaining in territory occupied by the United States Army, said territory being under military government, established by the United States, did confederate, combine, conspire, and agree to rise in armed violence against the forces and authority of the United States in said territory. This in time of insurrection, at or near the pueblo of Tanauan, province of Batangas, Luzon, P. I., during the month of September, 1900.”

Specification 2.—“In that Vincente Motas (alias Vicente Motas), Francisco Rubio, Elagio Malales (alias Eulogio Maloles), Pantaleon Masunsong, Valentine Mercado, Camilo Carandang, Felix Binas (alias Feliz Binas), Andoy Rimas, Baldomero Austria, and Leon Tabier, natives, being citizens of and living and remaining in territory occupied by the United States Army, said territory being under military government established by the United States, did rise in arms against the forces and authority of the United States in said territory. This in time of insurrection, at or near the pueblo of Tanauan, province of Batangas, Luzon, P. I., during the month of September, 1900.”

Specification 3.—“In that Vincente Motas (alias Vicente Motas), Francisco Rubio, Elagio Malales (alias Eulogio Maloles), Pantaleon Masunsong, Valentine Mercado, Camilo Carandang, Felix Binas (alias Feliz Binas), Andoy Rimas, Baldomero Austria, and Leon Tabier, natives, and other natives whose names are unknown, being citizens of and living and remaining in territory occupied by the United States Army, said territory being under military government established by the United States, and having combined and conspired to rise in armed violence against the forces and authority of the United States in said territory, did advise, encourage, and endeavor

to persuade other natives, peaceable citizens of said territory, to join with them in rising in armed violence against said forces and authority of the United States. This in time of insurrection, at or near the pueblo of Tanauan, province of Batangas, Luzon, P. I., during the month of September, 1900."

PLEAS.—"Not guilty."

FINDINGS.—Francisco Rubio. Of the 1st specification, "guilty;" of the 2d specification, "guilty;" of the 3d specification, "guilty;" of the charge, "guilty."

Elagio Malales (alias Eulogio Maloles): Of the first specification, "guilty;" of the second specification, "not guilty;" of the third specification, "guilty;" of the charge, "guilty."

Vincente Motas (alias Vicente Motas), Pantaleon Masunsong, Valentine Mercado, Camilo Carandang, Felix Binas (alias Feliz Binas), Andoy Rimas, Baldomero Austria, and Leon Tabier: "not guilty."

SENTENCE.—And the commission does therefore sentence him, Francisco Rubio, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission therein concurring."

And the commission does therefore sentence him, Elagio Malales (alias Maloles), native, "To be confined at hard labor, at such a place as the reviewing authority may direct, for a period of nineteen (19) years."

And the commission does therefore acquit Vincente Motas (alias Vicente Motas), Pantaleon Masunsong, Valentine Mercado, Camilo Carandang, Felix Binas (alias Feliz Binas), Andoy Rimas, Baldomero Austria, and Leon Tabier.

In the foregoing case of Vincente Motas (alias Vicente Motas), Francisco Rubio, Elagio Malales (alias Eulogio Maloles), Pantaleon Masunsong, Valentine Mercado, Camilo Carandang, Felix Binas (alias Feliz Binas), Andoy Rimas, Baldomero Austria, and Leon Tabier, natives, who were jointly tried, there is much evidence going to show that all these accused, except Francisco Rubio, had been recruited in Tanauan for the insurgent forces. The commission, however, has found that these men were not recruited in Tanauan and are not guilty in any manner or form of raising "in armed violence" against the authority of the United States, except Francisco Rubio and Elagio Malales (alias Eulogio Maloles). In the case of the said Malales (alias Maloles) the record reveals no reason why he was excepted from those of the accused who were acquitted, except only that he appears to have been a stranger in Tanauan. This distinction appears to lack sufficient significance for the finding and sentence in his case, which are therefore disapproved.

In the case of Francisco Rubio, this accused had recently been tried, convicted of, and sentenced to be hanged for "being a spy;" and the prosecution in that case relied upon practically the same state of facts as that developed in this. While it may be urged with much force that this is not a second trial within the meaning of the constitutional prohibition that no man shall be tried a second time for the same offense, it nevertheless too severely strains the accepted rules whereby the question whether or not a second trial has been had, to relieve the case of all doubt of its illegality.

In view of the foregoing remarks, the proceedings, findings, and sentence in the case of this accused are therefore disapproved.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 1, 1901.

General Orders, No. 22.

Before a military commission which convened at Santa Maria, province of Bulacan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 53, Headquarters Department of Northern Luzon, June 15, 1900, and of which Maj. Albert Laws, 35th Infantry, U. S. Volunteers, was president, and First Lieut. Alvin C. Voris, 35th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Roberto Mendoza, native.

CHARGE.—"Murder."

Specification.—"In that Roberto Mendoza, native, in company of, and consorting with, a band of armed outlaws of certain Filipinos, names and numbers unknown, under the leadership of one Bonifacio Morales, did feloniously, willfully, and with malice aforethought murder and kill one Juan de Vera, a Filipino, by cutting his throat with a bolo, held in the hands of said band, thereby causing the death of the

said Juan de Vera. This in time of insurrection at Sitio de Bajaypari, province of Bulacan, P. I., on or about the 19th day of September, 1900."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does, therefore, sentence him, Roberto Mendoza, a native, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Roberto Mendoza, native, it appears from the evidence that the accused was a "teniente" of a band of insurrectos under the leadership of one Lieutenant Colonel Bonifacio Morales; that the said Morales had caused Juan de Vera to be seized and delivered to him, and without accusation or form of trial had directed the accused to kill him. In obedience to this unlawful order the accused took the deceased, who was bound and helpless, into the fields, where he was made to sit down, and while the accused held his hands, "his assistant," Juan de la Cruz, held his head and with a knife cut his throat and thereby inflicted a wound from which the said Juan de Vera then and there died.

Officers and soldiers of the band of insurgents to which the accused belonged testify that he did this murder in the manner described, and say that the only reason for taking the life of this unoffending man was because he was a kinsman of Juan José, who was chief of police of Santa Maria under American authority.

The law absolves all officers and soldiers who disobey the unlawful orders of their superiors, and they fall under its condemnation if, in obedience to such unlawful orders, they take the life of any person. As an officer of insurgents the accused must be presumed to have had sufficient intelligence to have understood the reason, well known by his comrades, why he was called upon to take the life of the deceased, whom he well knew had done no wrong. It was the plain duty of the accused to refuse to act the part of a murderer.

The sentence, approved by the Department Commander, is confirmed, and will be duly executed at the pueblo of Santa Maria, province of Bulacan, Luzon, P. I., on the fifteenth (15th) day of February, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 1, 1901.

General Orders, No. 23.

Before a military commission which convened at Tarlac, province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Maj. Henry C. Ward, 12th U. S. Infantry, was president, and First Lieut. George H. Shields, jr., 12th U. S. Infantry, was judge-advocate, was arraigned and tried Geronimo Velasco, native.

CHARGE.—"Violation of the laws of war."

Specification.—"In that Geronimo Velasco, being an insurgent officer, and having surrendered on the 22d day of May, 1900, to the United States authorities at Tarlac, province of Tarlac, P. I., and having on the 24th day of May, 1900, voluntarily taken an oath to bear true faith and allegiance to the United States Government, did, in violation of said oath and the laws of war, retain in his custody and control at time of such surrender, and subsequently, a number of rifles—50 more or less—with 2,000 rounds of ammunition more or less—a part of said ammunition being loaded with explosive bullets; which rifles and ammunition the said Velasco did issue from time to time to various parties for use in arming parties for the purpose of intimidating the natives in the pueblo of Victoria and adjoining territory, and aiding and maintaining guerrilla warfare and unlawfully resisting the authority of the United States. This in time of insurrection and within the theater of military operations in said province, between the 22d day of May, 1900, and the 1st day of December, 1900."

PLEA.—"Not guilty."

FINDING.—Of the specification, "guilty, except the word 'retain,' substituting therefor 'have,' and except the words 'at the time of such surrender and,' of the excepted words not guilty, and of the substituted word guilty." Of the charge "guilty."

SENTENCE.—And the commission does therefore sentence him, Geronimo Velasco, "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

In the foregoing case of Geronimo Velasco, native, it appears from the evidence

that the accused held the rank of major in the insurgent forces; that, in May, 1900, he voluntarily surrendered and took the oath of allegiance to the United States; that he turned in, at the time of his surrender and subsequently thereto, three hundred and twenty rifles, more or less, and was paid by the United States at the rate of 30 pesos for each rifle. Later it developed that he had left in charge of a trusted insurgent about fifty rifles additional which he had power to surrender but did not, and which by written and verbal orders he caused to be distributed among the people where they became available for the use of the insurgents remaining in the hills.

In his written orders upon his trusted agent, directing him to deliver rifles and ammunition to parties he named, the words "roosters" and "palay" were used, which by a prior understanding between them were to be translated as rifles and ammunition. In explaining his conduct before the commission the accused said that the words quoted were used "because there might be ladrones who would find that there were guns and get them for themselves," and "in order not to compromise anyone." He also claimed that he had been actuated by the humane motive of arming his friends against the ladrones and urged, in addition, that he had acted upon the orders of his former insurgent chief, General Macabulos, who had also sworn allegiance to, and was then living under the protection of the United States. The accused admitted that he knew that General Macabulos had no authority to give him orders in the premises, and also that when he had been questioned by the American authorities concerning the rifles he had failed to surrender, that he denied all knowledge of them and that, in this, he answered falsely.

That the accused is guilty as charged and that, taken as a whole, his conduct as revealed by the evidence was such as to fully negative his defense—that he acted from worthy motives without treasonable intent—there is no reasonable doubt.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 1, 1901.

General Orders, No. 24.

Before a military commission which convened at San Felipe Nery and El Deposito, Province of Manila, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 197, Headquarters Department of Northern Luzon, November 14, 1900, and of which Lieut. Col. George L. Byram, Twenty-seventh Infantry, U. S. Volunteers, was president, and Capt. Charles R. Howland, Twenty-eighth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried:

I. Bonaventura Domingo, native.

CHARGE.—"Communicating with the public enemy, in violation of the laws and usages of war."

Specification.—"In that Bonaventura Domingo, a native, having been duly elected, under the provisions of G. O., No. 43, Headquarters Department of the Pacific and Eighth Army Corps, series 1899, local presidente of, and being at the time a resident of the town of San Felipe Nery, did write or cause to be written, and did sign, as local presidente, and did deliver or cause to be delivered to one Licerio Geronimo, a chief of a band of insurgents in rebellion against the authority of the United States and known by the title 'The superior military chief of the district of Morong and of the 2d and 3d zones of Manila,' a letter in words and figures as follows:

Presid^a. Local de San Felipe Nery, 3 Ob^e. 1900.

"Ajunto tengo el honor de remitir á V. original del acta de la sesion celebrada en el día diez y seis del actual referente al relevo del Vice-Presidente Sr. Fructuoso de Torres, por encontrarse continuamente enfermo é imposibilitado para ejercer lo dicho cargo, y resultó después de una larga y detenida conferencia con mayoría de votos recayó la suerte al Sr. Manuel Castañeda de esta misma vecindad en clase de provisional como aparece en el espresada acta que los electores consideran apto y reúne las circunstancias legales para el desempeño del espresado cargo. El que suscribe no puede menos de participar á V. con inclusión de la referida acta, rogándole al propio tiempo por sí é su superior agrado se digne aprobar sea ya el propietario Vice-Presidente, Puesto que este individuo por su estado y modo de proceder és digno de coadyubar en los preferentes despachos de esta presidencia.

“No obstante de lo espuesto su alto criterio dispondrá lo que estime procedente dictar.

“Dios guarde á V. muchos años. Sn. Felipe Nery, 29 de Setiembre de 1900.

“El Presid^{te}. Local. Buenav^a. Domingo.”

(Addressed on outside to) “Sor. Jefe Superior Militar del D^{to} de Morong y de la 2^a y 3^a zona de Manila.”

“This in time of insurrection against the authority of the United States and in violation of the laws and usages of war, at the said town of San Felipe Nery, Province of Manila, P. I., and other places unknown, on or about September 29, 1900.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, “guilty, except the words ‘elected under the provisions of G. O., No. 43, Headquarters Department of the Pacific and Eighth Army Corps, series 1899, local presidente,’ substituting therefor the words ‘appointed, under the provisions of General Field Orders, No. 44, Headquarters First Division, Eighth Army Corps, local vice-presidente,’—of the excepted words, not guilty; of the substituted words, guilty.”

Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Bonaventura Domingo, native, “to be confined at hard labor, in such prison as the reviewing authority may direct, for the period of his natural life.”

In the foregoing case of Bonaventura Domingo, native, it appears from the evidence that the accused accepted office under the authority of the United States in July, 1899, and that he continued in office, under said authority, as vice-presidente and presidente of the pueblo of San Felipe Nery until November, 1900, when the letter copied into the specification was, with other evidence of treasonable correspondence, captured in a camp from which a band of insurgents had been routed by American troops.

It further appears from the evidence in the case that the accused, while outwardly performing the duties of presidente under American authority, was also surreptitiously acting in like capacity for the insurgents in the same jurisdiction, and held an official session of the “presidencia local” for the purpose of appointing a vice-presidente to officiate in the interests of the insurgents. These acts clearly proven constitute the accused a war traitor. Upon this class of secret and most dangerous offenders the laws of war authorize the most extreme penalties.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

II. Bonaventura Domingo, Paulino de los Reyes, Venancio Latorre, Domingo O. Santos, and Vicente Castillo, natives.

CHARGE.—“Instituting a revolutionary government in a town occupied and held by the forces of the United States, and exercising the functions of government as a revolutionary body in said town, contrary to the laws and usages of war.”

Specification.—“In that Bonaventura Domingo, Paulino de los Reyes, Venancio Latorre, Domingo O. Santos, and Vicente Castillo, did, each one of them, in conjunction with all the others above named, and other persons unnamed, form a revolutionary government in the town of San Felipe Nery, province of Manila, Philippine Islands, said town being then, as now, under the jurisdiction of the United States and occupied by its armed forces, and did exercise the functions of a town government by passing an act of the council in words and figures as follows:

“Presid^a. Local de San Felipe Nery. Nombres. Buenav. Domingo, Cosmo Carlos, Florencio Ynocentes, Paulino de los Reyes, Venancio Latorre, Domingo O. Santos, Mariano de Guzman, Rafael Anastasio, Vicente Castillo, Julio Arcangel, Rufino Pascual.

“En la Presidencia Local de San Felipe Nery, á diez y seis de Setiembre de mil novecientos, reunidos en Junta ordinaria los individuos que la componen y que al margen se expresan, bajo la Presidencia del Señor (Vice) Presidente Don Buenaventura Domingo. Declarada abierta la sesión y leída el acta anterior dicho Señor Presidente tomó la palabra manifestando á los presentes que el Vice-Presidente, Sr. Fructuoso R. de Torrez, se hallando continuamente enfermo, quedando por este motivo imposibilitado para ejercer su cometido, y necesitando nombrar otro en clase de provisional interin no se halle restablecido por la enfermedad que padece dicho Señor Fructuoso con el fin de poder coadyudar en los preferentes despachos; la Junta enterada de esto con unanimidad proponen al Señor Manuel Castañeda, vecino de este dicho pueblo, que los componentes de la Junta consideran apto para el desempeño del expresado cargo en vista de que éste reúne las condiciones legales sobre el particular. Siendo la hora de las doce en punto de este día y no teniendo otra cosa más que tratar, se levantó la sesión, firmaron después del que preside el acto los que se hallan presentes, de que yo el Secretario certifico.—Entre parentesis—Vice—no vale.

"Pasan las firmas: Buenav^a Domingo, Cosme Carlos, Paulino de los Reyes, Domingo Ondaz, Rafael Anastacio, Florencio Ynocentes, Venancio Latorre, Mariano de Guzman, Vicente Castillo, Julio Arcangel, Ruf^o Pascual."

"This in time of insurrection against the authority of the United States and in violation of the laws and usages of war, at the said town of San Felipe Nery, province of Manila, Philippine Islands, on September 16, 1900."

PLEAS.—"Not guilty."

FINDINGS.—Bonaventura Domingo: Of the specification, "guilty, except the words 'in conjunction with all the others above named, and other persons unnamed,' and substituting therefor the words, 'with other persons unnamed;' of the excepted words, 'not guilty'; of the substituted words, 'guilty.'" Of the charge, "guilty."

Paulino de los Reyes, Venancio Latorre, Domingo O. Santos, and Vicente Castillo: "Not guilty."

SENTENCE.—And the commission does therefore sentence him, Bonaventura Domingo, native, "to be confined at hard labor, at such prison as the reviewing authority may designate, for the period of twenty (20) years."

And the commission does therefore acquit them, Paulino de los Reyes, Venancio Latorre, Domingo O. Santos, and Vicente Castillo, natives.

In the foregoing case of Bonaventura Domingo, Paulino de los Reyes, Venancio Latorre, Domingo O. Santos, and Vicente Castillo, natives, who were jointly tried, all save the defendant Bonaventura Domingo were acquitted by the commission and have been set at liberty. A plea in bar of trial was entered by Bonaventura Domingo upon the ground that he had once been tried for the same offense, and "that a conviction or acquittal of the one must necessarily convict or acquit of the other," which plea was overruled by the commission. As the evidence reveals the same state of facts in the one case as in the other, it is plain that the commission erred in overruling the plea in bar.

The finding and sentence in the case of this accused are therefore disapproved.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 4, 1901.

General Orders, No. 25.

Before a military commission which convened at Jaro, Panay, P. I., pursuant to Paragraph III, Special Orders, No. 120, Headquarters Department of the Visayas, August 20, 1900, and of which Colonel Edmund Rice, 26th Infantry, U. S. Volunteers, was president, and Captain Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, were arraigned and tried Damiano Sabido and Mariano Tabanbungua, natives.

CHARGE I.—"Committing acts of hostility in violation of the laws of war, section 4, 'Instructions for the government of the armies of the United States in the field.'"

Specification 1.—"In that on or about the 30th day of June, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of San Blas, Island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, Damiano Sabido and Mariano Tabanbungua, natives and members of the police force of the pueblo of San Miguel, did, while still pursuing peaceful pursuits as said policemen, and contrary to the laws and usages of war in such cases made and provided, participate in an attack upon three United States soldiers, members of Company I, 26th Infantry, U. S. V., and upon a citizen of the United States, to wit, one John M. Dean, by then and there shooting at the said United States soldiers and said citizen of the United States, with guns held in the hands of the said Damiano Sabido and Mariano Tabanbungua, and which said assault, so made as aforesaid, resulted in the serious wounding by gunshot of two of the aforesaid soldiers, to wit, Herbert B. Spencer and Charles F. Fish."

Specification 2.—"In that on or about the 9th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of San Miguel, Island of Panay, P. I., a place then, as now, a part of the territory of the United States, and under its military government, Damiano Sabido and Mariano Tabanbungua, natives and members of the police force of the said pueblo of San Miguel, did, while still pursuing peaceful pursuits as said policemen, and contrary to the laws and usages of war in such cases made and provided, participate in an attack upon three United States soldiers, members of Gordon's Detachment of Mounted Infantry, by then and there shooting at the said United States soldiers, with guns held in the hands of the said Damiano

Sabido and Mariano Tabanbungua, and which said assault, so made as aforesaid, resulted in the death, by gunshot wound, of two American horses, then and there ridden by the members of the said detachment of three United States soldiers."

PLEA.—"Not guilty."

FINDINGS.—Of the first specification, "guilty, except the words 'made and provided,' and except the words 'of the said Damiano Sabido and Mariano Tabanbungua,' substituting for the latter the words 'of members of the attacking party;' of the excepted words, not guilty; of the substituted words, guilty." Of the second specification, "guilty, except the words 'made and provided,' and except the words 'of the said Damiano Sabido and Mariano Tabanbungua,' substituting for the latter words 'of members of the attacking party;' of the excepted words, not guilty, and of the substituted words, guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Damiano Sabido, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

And the commission does therefore sentence him, Mariano Tabanbungua, "to be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life."

In the foregoing case of Damiano Sabido and Mariano Tabanbungua, natives, it appears from the evidence that the accused were regularly appointed policemen of the pueblo of San Miguel under American authority, and that while so employed they were members of a band of insurgents lurking in the vicinity of the said pueblo, and on two occasions secretly joined said band and, contrary to the laws of war, traitorously participated in an attack made upon American troops, resulting in the death of one and the wounding of two other American soldiers.

Being war traitors of a most dangerous class, their sentences, approved by the department commander, are confirmed and will be duly executed, except that the period of confinement in the case of Mariano Tabanbungua is upon the recommendation of the department commander mitigated to confinement at hard labor for the period of twenty (20) years.

The Presidio de Manila is designated as the place of confinement, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 4, 1901.

General Orders, No. 26.

Before a military commission which convened at San Fernando, Province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 230, Headquarters Department of Northern Luzon, December 19, 1900, and of which Lieutenant-Colonel Greenleaf A. Goodale, 3d U. S. Infantry, was president, and Captain William R. Sample, Adjutant 3d U. S. Infantry, was judge-advocate, was arraigned and tried Eusebio Rojas, native.

CHARGE I.—"Murder."

Specification 1.—"In that Eusebio Rojas, styling himself a 1st lieutenant of infantry in the insurgent forces under the command of one J. Alejandrino, a notorious outlaw, did willfully, feloniously, and with malice aforethought murder and kill Dalmatio Sicut, a native lawfully residing on the barrio Sagun of San Fernando, Province of Pampanga, Island of Luzon, by ordering and causing said Sicut to be buried alive in his presence. This in the month of October, 1900, at a place called Culub Cabaya, in the pueblo of Bacolor, Province of Pampanga, Island of Luzon, within a district then, as now, in insurrection against the United States."

Specification 2.—"In that Eusebio Rojas, styling himself a 1st lieutenant of infantry in the insurgent forces, under the command of one J. Alejandrino, a notorious outlaw, did willfully, feloniously, and with malice aforethought murder and kill an unknown man, supposed to be Benacio Pamintuan, a native, lawfully residing in the pueblo of Guagua, Province of Pampanga, Island of Luzon, by ordering and causing the said man to be buried alive in his presence. This, in the month of September, 1900, in the barrio of San Augustin of San Fernando, Province of Pampanga, Island of Luzon, within a district then, as now, in insurrection against the United States."

Specification 3.—"In that Eusebio Rojas, styling himself a 1st lieutenant of infantry in the insurgent forces, under the command of one J. Alejandrino, a notorious outlaw, did willfully, feloniously, and with malice aforethought cause men acting under

his orders to discharge firearms at a moving nonmilitary train carrying passengers and merchandise between the stations of Calulut and Angeles on the Manila-Dagupan railway, and did thereby kill and murder Mamerto Lumanlan, a native passenger, a resident of Angeles, lawfully on said train. This, on or about March 20, 1900, in the Province of Pampanga, Island of Luzon, a district then, as now, in insurrection against the United States."

CHARGE II.—"Violations of the laws of war."

Specification 1.—"In that Eusebio Rojas, claiming to be a lieutenant of insurgents in the forces of one J. Alejandrino, a notorious outlaw, did command a band of armed natives the members of which, including Rojas, did wear no uniform but did, under the guise of being insurgent soldiers, terrorize, molest, and commit acts of violence upon peaceable natives of the Province of Pampanga, Island of Luzon, and did intermittently return to their homes and ordinary occupations. This, between January 1, 1900, and December 2, 1900, in the Province of Pampanga, Island of Luzon, a district then, as now, in insurrection against the United States."

Specification 2.—"In that Eusebio Rojas, claiming to be a lieutenant of insurgents in the force of one J. Alejandrino, a notorious outlaw, did unlawfully detain in custody Florentino Pamintuan, a wealthy native, who had been kidnaped from his house in San Fernando, Province of Pampanga, and did make threats against the life of said Pamintuan whilst he was so detained, with the view of extorting money from the said Pamintuan. This, in the month of May, 1900, in the Province of Pampanga, Island of Luzon, a district then, as now, in insurrection against the United States."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Eusebio Rojas, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Eusebio Rojas, native, a superior officer of the accused, a major of insurgents, testified that the accused had recently commanded one of three "groups," that the men of each "group" were "distributed among three barrios," that "they wore the ordinary dress of the country," that "sometimes they would go armed for a specific purpose and at others they would hide their arms." There also appears of record a writing purporting to appoint the accused a "1st teniente of infantry," signed by one Alejandrino, and a translated copy of a general order issued by the said Alejandrino as commanding general, Central Luzon.

Sections 1 and 2 of this order read as follows:

"First. All who perform official duties or who have materially contributed to the establishment of the pretended American civil government in the territory within my command if caught will be punished from a fine not less than one hundred dollars up to the death penalty, by the most summary trial in accordance with the circumstances, and if committed by educated people the guilt will be considered increased. Second. The property of persons comprised in article 1 will be confiscated for the need of the Filipino army."

Given command of armed men and authorized as quoted to exercise summary power over the lives and property of his neighbors the accused, as is made unmistakably plain by the evidence, conceived it to be his duty to rob and murder the peaceful and law-abiding people living within his so-called military jurisdiction.

Going in ordinary dress and taking with him a few trusted followers, five or six at most—he secretly seized his unsuspecting neighbors, a man at a time, and taking them into the forest, he proceeded in two instances to bury them alive. The witnesses, some of whom were guilty participants and others who were compelled to be present and dig the graves of the waiting victims, relate the horrible details by which men in the full vigor of life were suffocated under the mass of earth thrown upon them.

Before the commission trying him the accused admitted that in obedience to orders he attacked a nonmilitary train which resulted in the death of a passenger, a native, and while denying his presence or responsibility for the murder of the men buried alive, concluded by saying "All my actions have been in pursuance to the orders of my superior officers."

That, at his discretion, the accused was authorized by his superiors to take the property and lives of his neighbors, the evidence plainly shows, but those who are responsible for the written authority under which he acted, by the terms of that authority revealed themselves as banditti and as men who, being outside the pale of all law, seek to rule solely by the terror they inspire by their inhuman deeds. Being therefore without any authority, no so-called insurgent general or chief can issue a lawful order in these islands and they and all who execute their commands to kill and murder must expect the most extreme penalties.

There being no doubt in the mind of the reviewing authority that the accused is guilty of the revolting crimes as charged, the sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of San Fernando, province of Pampanga, Luzon, P. I., on the first (1st) day of March, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,

Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 6, 1901.

General Orders, No. 28.

I. Before a military commission which convened at Dagupan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Captain William L. Buck, 13th U. S. Infantry, was president, and 1st Lieutenant Paul B. Malone, 13th U. S. Infantry, was judge-advocate, was arraigned and tried:

Eugenio Fernandez, native.

CHARGE I.—“Murder.”

Specification.—“In that Eugenio Fernandez, native, in a camp in the mountains near Rosario, province de la Union, in territory then, as now, occupied by United States troops, at a time then, as now, of insurrection against the lawful authority of the United States, in company of, and consorting with, a band of armed outlaws to the number of 50, more or less, commanded and led by the said Eugenio Fernandez, did willfully, feloniously, and with malice aforethought, kill and murder two American prisoners, names unknown, by stabbing them, the said American prisoners, names unknown, with bolos held in the hands of members of said band, names unknown, inflicting wounds therewith whereof they, the said American prisoners, names unknown, then and there died and were then and there buried. This, on or about April 2, 1900, at the place above specified.”

CHARGE II.—“Guerrilla warfare, in violation of the laws of war.”

Specification 1.—“In that Eugenio Fernandez, native, at a time then, as now, of insurrection against the lawful authority of the United States, in company of, and consorting with a band of ununiformed armed outlaws to the number of 50, more or less, commanded and led by the said Eugenio Fernandez, not being a member of any recognized military organization, but acting independently, did attack with rifles and burn with fire held in the hands of members of said band, names unknown, San Jacinto, province of Pangasinan, a place then, as now, occupied by United States troops, whereby the lives of peaceful inhabitants of the said San Jacinto were endangered and 103 of their houses, more or less, were burned and destroyed. This, on April 21, 1900, at the place above specified.”

Specification 2.—“In that Eugenio Fernandez, native, at a time then, as now, of insurrection against the lawful authority of the United States, in the barrio of Santa Maria, pueblo of San Jacinto, province of Pangasinan, then, as now, occupied by United States troops, in company of, and consorting with, a band of ununiformed armed outlaws to the number of 20, more or less, commanded and led by the said Eugenio Fernandez, and not pertaining to any recognized military organization, but acting independently, did feloniously seize, bind, and carry away, or cause to be seized, bound, and carried away, to a camp of outlaws and insurgents, situated in the mountains near Rosario, province de la Union, a place then, as now, within the sphere of military operations, one Anthony Gurzinski, private, Company C, 13th Infantry, where he was willfully, feloniously, and with malice aforethought killed and murdered by stabbing with bolos, held in the hands of members of said band, names unknown, inflicting wounds whereof he, the said Gurzinski, then and there died on or about April 2, 1900. This, on or about March 20, 1900, at the place above specified.”

Specification 3.—“In that Eugenio Fernandez, native, at or near San Jacinto, province of Pangasinan, and its several barrios, territory then, as now, occupied by United States troops, at various times, in the months of March, April, and May, 1900, a period then, as now, of insurrection against the lawful authority of the United States, in company of, and consorting with, a band of ununiformed armed outlaws, to the number of 20, more or less, not pertaining to any recognized military organization, but acting independently, did feloniously seize and carry away, or caused to be feloniously seized and carried away, against their will many peaceful natives of the said San Jacinto and its several barrios to a camp of armed outlaws and insurgents situated near Rosario, province de la Union, a place then, as now, within the sphere

of military operations and where the said peaceful natives were held as prisoners until May 6, 1900, when they made their escape, to wit: Ciriaco de la Peña, Antonio Meneses, Florencio Besacruz, Cornelio Prado, Tomas Estrada, Andres Linquon, Bernaldo Colderon, and Domingo Salcedo. This at the places at various times during the months above specified."

CHARGE III.—"Assault with intent to commit murder."

Specification.—"In that Eugenio Fernandez, native, on or about May 21, 1900, a time then, as now, of insurrection against the lawful authority of the United States, at Alava, province of Pangasinan, territory then within the sphere of military operations and from time to time visited by United States troops and now occupied by United States troops, in company of, and consorting with, a band of armed outlaws to the number of 11, more or less, commanded and led by the said Eugenio Fernandez, did feloniously seize and bind with ropes or thongs Santiago Espidido, Presidente Local Clemente Zion, lieutenant of police, and Victor Rodriguiz, secretary, all natives and officials of the said Alava, duly elected and appointed under orders and regulations prescribed by properly constituted United States authorities, with intent to commit murder upon the persons of the said Santiago Espidido, Clemente Zion, and Victor Rodriguiz, all and each of them natives of the said Alava. This on or about the date and at the place above specified."

PLEA.—"Not guilty."

FINDINGS.—Of the specification, first charge, "guilty, except of the words 'commanded and led by the said Eugenio Fernandez' and introducing after the word 'aforethought' the words 'urge said band of outlaws to.' Of the excepted words not guilty," and of the introduced words "guilty." Of the first charge, "guilty." Of the first specification, second charge, "guilty, except of the words, 'commanded and led by the said Eugenio Fernandez' and of the excepted words not guilty." Of the second specification, third charge, "guilty, except of the words, 'commanded and led by the said Eugenio Fernandez,' and of the excepted words 'not guilty.'" Of the third specification, second charge, "guilty." Of the second charge "guilty." Of the specification, third charge, "guilty, except of the words 'Victor Rodriguiz' in both cases where these words occur, substituting therefor the words 'Mariano Torres,' and introducing after the words 'Presidente Local' the words 'and did seize and carry away,' of the excepted words not guilty," and of the substituted and introduced words, "guilty." Of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Eugenio Fernandez, native, "To be hanged by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

II. Before a military commission which convened at San Jacinto, Pangasinan Province, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Major Joseph W. Duncan, 13th U. S. Infantry, was president, and 1st Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, was arraigned and tried:

Juan Soriano, a native.

CHARGE I.—"Kidnaping."

Specification.—"In that Juan Soriano, a native, at or near San Jacinto, province of Pangasinan, Luzon, P. I., a place then, as now, in the theater of military operations, in company of, and consorting with, ununiformed armed outlaws to a number varying at times from thirty, more or less, to five, more or less, commanded and led by the said Juan Soriano, at or about the various times set opposite their respective names below, did feloniously seize and conduct away, against their will, the following named peaceful inhabitants of the aforesaid San Jacinto, to wit: Ciriaco de la Peña, Andres Soquan, cabeza of barrio Lobong, and Bernardo Calderon, cabeza of barrio Lubnay, May 4, 1900. Cornelio Prado, March 31, 1900; Tomas Molino, April 6, 1900; Tomas Estrada, and his wife Filimena Tanfueco, April 29, 1900; Rufino Marceleno Olpindo, March 17, 1900; Jacinto Retube and Pedro Menesis, March 20, 1900; Domingo Reyes and Pascual de la Peña, March 27, 1900, and Anastacio Oligan, native of Mangaldan, August 28, 1900. All this at or near San Jacinto, province of Pangasinan, Luzon, P. I., and its barrios, and Mangaldan, P. I., on or about the dates specified."

CHARGE II.—"Guerrilla warfare, in violation of the laws of war."

Specification.—"In that Juan Soriano, a native, in the barrio Santa Maria, pueblo of San Jacinto, province of Pangasinan, Luzon, P. I., a place then, as now, in the theater of military operations, in company of and consorting with ununiformed armed outlaws to the number of twenty, more or less, commanded and led by the said Juan Soriano, did feloniously seize, bind, and carry away one Anthony Gurzinski, private, Company C, 13th U. S. Infantry, who was conducted to a camp of insurgents and ununiformed outlaws situated near Rosario, province de la Union, Luzon, P. I.,

where he was willfully, feloniously, and with malice aforethought killed and murdered by stabbing and cutting with bolos held in the hands of members of said camp, names unknown, inflicting wounds therewith whereof he, the said Gurzinski, then and there died, on or about April 2, 1900. This at the place specified, on or about March 20, 1900."

CHARGE III.—"Robbery."

Specification.—"In that Juan Soriano, a native, in company of, and consorting with, armed outlaws to the number of seventeen, more or less, did feloniously and forcibly take from the person of Sebastian Bautista thirty-two dollars and fifty cents (\$32.50) Mexican coin. This in time then, as now, of insurrection, on or about August 28, 1900, at or near Mangaldan, province of Pangasinan, Luzon, P. I., a place then, as now, in the theater of military operations."

CHARGE IV.—"Murder."

Specification.—"In that Juan Soriano, a native, in company of and consorting with armed outlaws to the number of thirty, more or less, commanded and led by the said Juan Soriano, did willfully, feloniously, and with malice aforethought kill and murder Domingo Malagday, native policeman, and his wife, Basia Peralta, peaceful natives of San Jacinto, province of Pangasinan, Luzon, P. I., by stabbing and cutting them with bolos held in the hands of members of said band, names unknown, inflicting wounds therewith whereof they, the said Domingo Malagday and Basia Peralta, his wife, then and there died. This in time then, as now, of insurrection, on or about the 27th day of March, 1900, at or near Inlumbo, barrio of Mangaldan, province of Pangasinan, Luzon, P. I., a place then, as now, in the theater of military operations."

CHARGE V.—"Assault with intent to commit murder."

Specification.—"In that Juan Soriano, a native, on or about May 21, 1900, a time then, as now, of insurrection against the lawful authority of the United States, at Alava, province of Pangasinan, territory then, as now, in the theater of military operations, in company of and consorting with armed outlaws to the number of eleven, more or less, commanded and led by the said Juan Soriano, did feloniously seize and bind with ropes or thongs Santiago Espidido, presidente local; Clemente Zion, lieutenant of the police, and Victor Rodriguiz, secretary, all natives and officials of the said Alava, duly elected and appointed under orders and regulations prescribed by properly constituted United States authorities, with intent to commit murder upon the persons of the said Santiago Espidido, Clemente Zion, and Victor Rodriguiz. This at the place on or about the date specified."

First additional charge, "murder."

Specification.—"In that Juan Soriano, a native, in company of and consorting with outlaws to the number of eight, more or less, armed with long bolos, commanded and led by the aforesaid Juan Soriano, did willfully, feloniously, and with malice aforethought kill and murder Mariano Guerros, Anselino Soliz, and Vicente (surname unknown) by stabbing them with a bolo held in the hand of Catalino Fernandez, inflicting wounds therewith whereof they, the said Mariano Guerros, Anselino Soliz, and Vicente (surname unknown) then and there died. This in time then, as now, of insurrection against the lawful authority of the United States on or about the 2d and 3d days of May, 1900, at or near Naandinan, sitio of Landas, barrio of Mangaldan, province of Pangasinan, Luzon, P. I., a place then, as now, in the theater of military operations of the United States forces."

Second additional charge, "murder."

Specification.—"In that Juan Soriano, a native, in company of and consorting with armed outlaws to the number of nine, more or less, commanded and led by the said Juan Soriano, did willfully, feloniously, and with malice aforethought kill and murder Fabian Visperos, a woman, and a boy about seventeen years of age, names unknown, by cutting them with a bolo held in the hand of the said Juan Soriano, inflicting wounds therewith whereof they, the said Fabian Visperos and the said woman and boy, names unknown, then and there died. This in time then, as now, of insurrection against the United States, on or about the 6th day of May, 1900, at or near Lobong, a barrio of San Jacinto, province of Pangasinan, Luzon, P. I., a place then, as now, in the theater of military operations of the United States forces."

PLEAS.—To the specification, first charge, "guilty, except the words 'Tomas Molino, April 6, 1900; Tomas Estrada and his wife Filimena Tanfueco, April 29, 1900; Rufino Marceleno Olpindo, March 17, 1900; Jacinto Retube and Pedro Menesis, March 20, 1900; Domingo Reyes and Pascual de la Peña, March 27, 1900; and Anastacio Oligan, native of Mangaldan, August 28, 1900,' and of the excepted words, not guilty." To the first charge, "guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty." To the specification, third charge, "not guilty." To the third charge, "not guilty." To the specification, fourth

charge, "not guilty." To the fourth charge, "not guilty." To the specification, fifth charge, "not guilty." To the fifth charge, "not guilty." To the specification, first additional charge, "not guilty." To the first additional charge, "not guilty." To the specification, second additional charge, "not guilty." To the second additional charge, "not guilty."

FINDING.—Of the specification, first charge, "guilty, except the words 'Thomas Estrada, and his wife Filimena Tanfueco, April 29, 1900,' and of the excepted words not guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty." Of the specification, third charge, "guilty, except the words and figures, 'thirty-two dollars and fifty cents (\$32.50),' substituting therefor the words and figures 'thirty-one dollars and fifty cents (\$31.50),' of the excepted words and figures not guilty, and of the substituted words and figures guilty." Of the third charge, "guilty." Of the specification, fourth charge, "not guilty." Of the fourth charge, "not guilty." Of charge 5, *nolle prosequi* entered by the judge-advocate and not considered by the commission. Of the specification, first additional charge, "not guilty." Of the first additional charge, "not guilty." Of the specification, second additional charge, "guilty." Of the second additional charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Juan Soriano, native, "to be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life."

In the foregoing cases of Eugenio Fernandez and Juan Soriano, natives, it appears of record that these accused were leaders of armed bands of outlaws with which the late notorious bandit chief, Vicente Prado, ordered and directed so many acts of kidnapping, robbery, and murder of law-abiding men, women, and children that his name, and that of these accused and others of the trusted leaders of the said Prado, became a terror to the inhabitants in La Union and Pangasinan provinces.

That these accused were principal actors in these crimes and guilty as found by the commission trying them there is no reasonable doubt.

The sentences approved by the department commander are confirmed, and will be duly executed, except that the sentence in the case of Eugenio Fernandez is commuted to confinement at hard labor for the period of his natural life. The Presidio de Manila is designated as the place of confinement to which the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 18, 1901.

General Orders, No. 34.

Before a military commission which convened at Binalonan, Pangasinan Province, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Major Joseph W. Duncan, 13th U. S. Infantry, was president, and 1st Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Cerilo Cañido, a native.

CHARGE I.—"Forcible abduction."

Specification 1.—"In that he, Cerilo Cañido, in company of, and consorting with, a band of outlaws, to wit, Felix Bautista and others, ten more or less in number, armed with rifles and bolos, did forcibly and bodily seize, bind, and carry away, against his will, one Pedro Mauricio, native, whose body has not since been recovered."

"This in the barrio of Baro, pueblo of Asingan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations and under the military authority of the United States, on or about November 23, 1899, a time then, as now, of insurrection against the United States."

Specification 2.—"In that he, Cerilo Cañido, in company of, and consorting with, a band of outlaws, to wit, Felix Bautista and others, ten more or less in number, armed with rifles and bolos, did forcibly and bodily seize, bind, and carry away, against his will, one Pedro Velasco, native."

"This in the barrio of Baro, pueblo of Asingan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations and under the military authority of the United States, on or about November 23, 1899, a time then, as now, of insurrection against the United States."

CHARGE II.—"Murder."

Specification.—"In that he, Cerilo Cañido, in company of, and consorting with, a band of outlaws, to wit, Felix Bautista and others, ten more or less in number, armed

with rifles and bolos, did willfully, feloniously, and with malice aforethought kill and murder one Pedro Velasco, native, by striking and cutting the said Velasco with a bolo or bolos, held in the hands of the said Cañido or of the said outlaws, inflicting wounds therewith whereof the said Velasco then and there died.

"This in the barrio of Baro, pueblo of Asingan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations and under the authority of the United States, on or about November 23, 1899, a time then, as now, of insurrection against the United States."

PLEA.—"Not guilty."

FINDING.—Of the 1st specification, 1st charge, "guilty, except the word 'Baro' following the words, 'in the barrio of,' substituting therefor the words 'San Francisco,' of the excepted word not guilty, and of the substituted word guilty." Of the 2d specification, 1st charge, "guilty, except the word 'Baro' following the words, 'in the barrio of,' substituting therefor the words 'San Francisco,' of the excepted word not guilty, and of the substituted word guilty." Of the 1st charge, "not guilty of 'forcible abduction' but guilty of 'kidnaping.'" Of the specification, 2d charge, "not guilty." Of the 2d charge, "not guilty."

SENTENCE.—And the commission does therefore sentence him, Cerilo Cañido, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of fifteen years."

In the foregoing case of Cerilo Cañido, native, no witness testifies that the accused was present with the band of armed outlaws that seized and carried away Pedro Velasco or is sufficiently certain of the time and place of this offense to connect the accused therewith. The finding upon the second specification to the first charge is therefore disapproved.

It, however, appears from the evidence that the accused was one of a band of outlaws that seized and carried away law-abiding men who have disappeared from among the living and one of whom, Pedro Mauricio, was last seen in the power of the accused and the armed outlaws he was consorting with. Save some of the garments of the kidnaped man, found floating in a river soon after he was driven forth from his house with blows and threats of death, no trace of him has been found by his family or friends.

That the accused was an active and willing participant in this crime there is no reasonable doubt.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 25, 1901.

General Orders, No. 37.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 42, Headquarters Department of Northern Luzon, June 3, 1900, and of which Lieutenant-Colonel Thaddeus W. Jones, 48th Infantry, U. S. Volunteers, was president, and Major Charles F. Kieffer, surgeon, 48th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried Pascual Pasis, Juan Mendoza, Juan Laurena, Fruto Sabado, and Roman Camarillo, natives.

CHARGE I.—"Murder."

Specification.—"In that Pascual Pasis, Filipino, a major of milicianos territoriales of the insurgent forces; Juan Mendoza, Filipino, a lieutenant of milicianos territoriales of the insurgent forces; Juan Laurena, Fruto Sabado, and Roman Camarillo, Filipinos, did, at or near the barrio of Paratong, pueblo of Bangar, of the province of La Union, Luzon, P. I., then, as now, a place under the military government of the United States, on or about the 21st day of April, 1900, then, as now, a time of insurrection, feloniously and with malice aforethought kill and murder Vicente Regelman, a Filipino, by cutting and stabbing the said Regelman with a sharp instrument called a campilan, inflicting wounds therewith whereof the said Regelman did then and there die. This at the time and place above specified."

CHARGE II.—"Violation of the laws of war."

Specification 1.—"In that Pascual Pasis, Filipino, a major of milicianos territoriales of the insurgent forces; Juan Mendoza, Filipino, a lieutenant of milicianos territo-

riales of the insurgent forces; Juan Laurena, Fruto Sabado, and Roman Camarillo, Filipinos, did, at or near the barrio of Paratong, pueblo of Bangar, province of La Union, Luzon, P. I., a place then, as now, under the military government of the United States, in the month of April, 1900, and between the 15th and 25th days of said month, then, as now, a time of insurrection, force Mariano de la Peña and other peaceful natives, by threatening them with violence, to give supplies of food and money—quantities unknown—to the enemy. This at the time and place above specified."

Specification 2.—"In that Pascual Pasis, Filipino, a major of milicianos territoriales of the insurgent forces; Juan Mendoza, Filipino, a lieutenant of milicianos territoriales of the insurgent forces; Juan Laurena, Fruto Sabado, and Roman Camarillo, Filipinos, did, at or near the barrio of Paratong, pueblo of Bangar, province of La Union, Luzon, P. I., then, as now, a place under the military government of the United States, in the month of April, 1900, and on various days between the 15th and 25th of said month, then, as now, a time of insurrection, forcibly and unlawfully brand Mariano de la Peña and other peaceful natives to the number of one hundred, more or less, by applying a heated bottle or other instrument to the bare skin, thereby marking them for service with the enemies of the United States. This at the time and place above specified."

Specification 3.—"In that Pascual Pasis, Filipino, a major of milicianos territoriales of the insurgent forces; Juan Mendoza, Filipino, a lieutenant of milicianos territoriales of the insurgent forces; Juan Laurena, Fruto Sabado, and Roman Camarillo, Filipinos, did, at or near the barrio of Paratong, pueblo of Bangar, province of La Union, Luzon, P. I., then, as now, a place under the military government of the United States, in the month of April, 1900, and between the 15th and 25th days of said month, then, as now, a time of insurrection, violently and forcibly constrain Mariano de la Peña and other peaceful natives to make and subscribe with their own blood a treasonable oath, thereby obligating them to the service of the enemies of the United States. This at the time and place above specified."

PLEAS.—Pascual Pasis, Fruto Sabado, Juan Laurena, and Roman Camarillo, "not guilty." Juan Mendoza, to the first charge and its specification, "not guilty," and to the second charge and its specifications, "guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Pascual Pasis, Juan Mendoza, Juan Laurena, Fruto Sabado, and Roman Camarillo, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Pascual Pasis, Juan Mendoza, Juan Laurena, Fruto Sabado, and Roman Camarillo, natives, jointly tried, it appears of record that Pascual Pasis, one of the accused, had been commissioned a major of bolo men by General Tinio, one of the insurgent chiefs, and that in pursuance of his office he, in April, 1900, came to Paratong for the purpose of recruiting a company or companies of bolo men in aid of the insurrection; that the recruiting party or chief actors were these five accused, and that their method of enrolling men consisted in requiring them by threats, and by whipping the reluctant, to sign the so-called blood pact, and to submit to being branded with the mouth of a red-hot bottle on the right breast. Among the men who came to Paratong during the few days these accused were there engaged in the active work of recruiting, there came a stranger, a native, somewhat conspicuous because dressed in white, who, either for refusal to sign the blood pact or other cause not apparent from the record, was denounced as "a bad man," beaten by the said Pascual Pasis and Juan Mendoza, two of the accused, and by them threatened with death. While being so maltreated the deceased attempted to escape by running for his life; when, according to the admissions of three of the accused, made before trial, they all pursued, and overtaking decedent, aided each other in holding him, while with their knives and bolos they stabbed him until he was dead. Other witnesses testify to the time and place of the murder and the manner in which the deceased was buried.

As affecting the first charge only, the record reveals that in the preliminary examination of these accused a bolo, said to have been the one employed at the time the murder was committed, was exhibited to them, ostensibly for identification; and, while it was not proven that it was employed in a threatening manner, still the defense make a plausible showing that it was purposely employed to unduly influence the admissions made by the accused, which were at the time reduced to writing. It is plain, however, that three of these accused, to wit, Juan Laurena, Fruto Sabado, and Roman Camarillo, related with much fullness and convincing consistency of statement all the details of the part they each and severally took in the murder, and on the witness stand admitted they had not been threatened with the bolo.

While in law there is not sufficient ground to warrant the disapproval of the finding of the commission, which is in all respects regular, the unguarded zeal with which the preliminary examination of these accused was conducted can not receive the sanction of the reviewing authority.

That, however, the accused are guilty as charged and upon sufficient testimony of undoubted validity there is no reasonable doubt. The sentence which was approved by the department commander October 5, 1900, is, except as to Fruto Sabado, since deceased, confirmed, but is commuted to confinement at hard labor for each of the four remaining accused, to wit, Pascual Pasis, Juan Mendoza, Juan Laurena, and Roman Camarillo, for a period of twenty years, and as thus commuted will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 25, 1901.

General Orders, No. 38.

Before a military commission which convened at San Felipe Neri, province of Manila, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 226, Headquarters Department of Northern Luzon, December 15, 1900, and of which Captain Delphey T. E. Casteel, 27th Infantry, U. S. Volunteers, was president, and Captain William F. Judson, 27th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried: Gaudencio Año, Simeon de la Cruz, Juan Mariano, Alexandro San Pedro, Nicolas Asuncion, Pedro Florencio, Ambrosio de los Santos, Valentin Felix, Eugenio Ramos, Marcelo Ygnacio and Romualdo de la Cruz, natives.

CHARGE.—“Violation of the laws and usages of war.”

Specification.—“In that they, Gaudencio Año, Simeon de la Cruz, Juan Mariano, Alexandro San Pedro, Nicolas Asuncion, Pedro Florencio, Ambrosio de los Santos, Valentin Felix, Eugenio Ramos, Marcelo Ygnacio and Romualdo de la Cruz, in company with 26 other natives, while they were all residing within the territory occupied by the armed forces of the United States and apparently leading peaceable lives and pursuing their ordinary occupations and had divested themselves of the appearance of soldiers, did rise in arms against the said forces of the United States, and did attack an outpost of the said forces with deadly weapons, viz, rifles, and did fire upon the said outpost with said rifles and did thereby inflict upon a soldier of the United States, viz, one Corporal Wm. B. Clintsman, Company D, 27th Infantry, U. S. Vols., a wound or wounds of which he, the said Clintsman, shortly died, and upon a soldier of the United States, viz, Private Charles Carter, Company D, 27th Infantry U. S. Vols., a serious wound. This in a time of insurrection against the United States at the town of San Mateo, Province of Manila, P. I., at or about 12.30 a. m., on or about August 24, 1900.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Gaudencio Año, Simeon de la Cruz, Juan Mariano, Alexandro San Pedro, Nicolas Asuncion, Pedro Florencio, Ambrosio de los Santos, Valentin Felix, Eugenio Ramos, Marcelo Ygnacio, and Romualdo de la Cruz, natives, and each of them, “To be hung by the neck until they, and each one of them, are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring.”

In the foregoing case of Gaudencio Año, Simeon de la Cruz, Juan Mariano, Alexandro San Pedro, Nicolas Asuncion, Pedro Florencio, Ambrosio de los Santos, Valentin Felix, Eugenio Ramos, Marcelo Ygnacio, and Romualdo de la Cruz, natives, who were jointly tried, it appears by the evidence that the accused, while well known as neighbors attending their ordinary peaceful pursuits, were at the same time members of a band of insurgents and were actually present, and so officially reported by the insurgent officer in command, at the attack upon an outpost of the American troops stationed at or near San Mateo, which resulted in the death of one and serious wounding of another American soldier.

The following remarks of the department commander, made in connection with his approval of the sentence, fitly characterize the case:

“This record is forwarded * * * with the recommendation that the sentence in the case of each and every one of these natives * * * be commuted to confinement at hard labor for the period of fifteen (15) years.

"This recommendation is made in consideration that these ignorant and semicivilized natives misinterpreted the leniency, forbearance, and humanity of the military authorities in this department, as giving them license while living under our protection in places garrisoned by our forces to join at the order of irresponsible chiefs of robbers and outlaws in attacks upon American troops. Their abject fear of these chiefs of brigands and the influence over them of the leaders in the policy of robbery, murder, and assassination, inaugurated by the opposition to the authority of the United States in these islands, is a further reason that, in this instance, they be relieved from the penalty of death."

The sentence is confirmed; but, in view of the recommendation made, is commuted to confinement at hard labor for the period of fifteen (15) years. The presidio de Manila is designated as the place of confinement, to which the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 27, 1901.

General Orders, No. 39.

Before a military commission, which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 9, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Captain William L. Buck, 13th U. S. Infantry, was president, and 1st Lieutenant Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Alejandro Fernandez, a native.

CHARGE.—"Murder."

Specification.—"In that Alejandro Fernandez, native, did, in time then, as now, of insurrection, willfully, feloniously, and with malice aforethought, murder and kill Lorenzo Mendoza, a native, by striking the said Mendoza with a bolo, inflicting wounds whereof the said Mendoza then and there died. This at Dinacuan, a barrio of Malasiqui, province of Pangasinan, a place then, as now, within the theater of military operations of the United States forces, on or about the 9th day of November, 1900."

PLEA.—"Not Guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Alejandro Fernandez, native, "to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Alejandro Fernandez, native, the conviction of the accused rests upon the testimony of the brother and two nephews of the deceased. The ages of the nephews are not given; one is referred to as a boy. The father and his two sons tell the same story in practically the same set phrases, to the effect that they were eating supper in the house of the deceased when the accused with two of his brothers entered and without uttering a word, assaulted the deceased with bolos, when they, the witnesses, "threw" themselves "out of the window;" that the assailants soon departed, when the witnesses returned to the house and saw the body of their relative, exhibiting fatal bolo wounds, from which he had died.

It appears of record that other witnesses were present, who, according to the statement of the judge-advocate, could "give circumstantial evidence only;" that this, however, was "very strong" and bore "out the evidence already given." Upon this statement the commission "did not deem" it necessary to introduce "further evidence."

No robbery attended this murder; no enmity between the accused and the deceased; no motive—partisan or political—and no circumstantially incriminating facts appear of record to relieve the doubt, due in part to the error of the commission in shutting out all testimony except that of the three witnesses, who, from reasons not far to seek, might not have been unbiased in their testimony.

In consideration of the foregoing and the action of the commission in accepting the statement of the judge-advocate regarding the nature of the available circumstantial evidence in lieu of the evidence itself, and which, if spread upon the record, might have afforded convincing corroboration of, or possibly have discredited, the evidence adduced, the reviewing authority feels constrained to disapprove the proceedings, finding, and sentence.

The accused will be set at liberty.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., February 28, 1901.

General Orders, No. 40.

Before a military commission which convened at Bautista, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 9, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Capt. William L. Buck, 13th U. S. Infantry, was president, and First Lieut. Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Patricio Mateo, a native.

CHARGE.—“Murder.”

Specification.—“That Patricio Mateo, native, on or about May 17, 1900, then, as now, a time of insurrection, at or near the barrio of Matubag, pueblo of Camiling, Province of Tarlac, island of Luzon, P. I., a place then, as now, in territory occupied by United States troops, in company of, and consorting with, a band of armed outlaws, to the number of sixty, more or less, under the leadership of one Ricardo Reyes, native, did willfully, feloniously, and with malice aforethought kill and murder one Eusebio Nava, native, by then and there shooting the said Nava with rifles held in the hands of members of said band, or by stabbing the said Nava with bolos held in the hands of members of said band, or by both, inflicting wounds thereof whereof the said Nava then and there died and was then and there buried. This at the time and place above specified.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, “guilty, except of the words ‘shooting the said Nava with rifles held in the hands of members of said band or by,’ and of the words ‘or by both,’ and of the excepted words, not guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Patricio Mateo, native, “To be hung by the neck until dead at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case it appears that the accused, Patricio Mateo, was in company of a band of armed men which in the nighttime seized and with force and violence carried away from their homes eight persons, one of whom, the deceased, was barbarously mutilated and killed with a bolo. The accused, although not the principal leader of the band, appears to “have given orders” to the same. The very fact, however, of his presence as a member of the band, assembled together for the consummation of a felonious purpose, justifies the finding of guilty against him arrived at by the commission. Much of detail as to the sequence of events connected with the commission of this crime is lacking in the record, and the reviewing authority is thus unable to arrive at a conscientious certainty that the degree of guilt justifies the infliction of the death penalty.

The sentence against Patricio Mateo, approved by the department commander, is confirmed, but is commuted to confinement at hard labor for the period of twenty years, and, as thus commuted, will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 7, 1901.

General Orders, No. 41.

Before a military commission which convened at Tayabas, Province of Tayabas, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 148, Headquarters Department of Southern Luzon, September 8, 1900, and of which Capt. Harrison S. Kerriek, 30th Infantry, U. S. Volunteers, was president, and First Lieut. John W. C. Abbott, 30th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Ambrosio Loreto, a native.

CHARGE.—“Murder.”

Specification 1.—“In that Ambrosio Loreto, a native Filipino, in company with others, at the pueblo of Unisan, Province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder Gabriel Castillo, a native Filipino, by beating the said Gabriel Castillo with a club and by cutting and striking said Gabriel Castillo with a bolo, then and there had and held by the said Ambrosio Loreto in his hands, thereby inflicting wounds of which the said Gabriel Castillo then and there died. This at the place above specified, about 8 o'clock p. m., on or about June 7, 1900.”

Specification 2.—"In that Ambrosio Loreto, a native Filipino, in company with others, at the pueblo of Unisan, Province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder Feliciano Maxino, a native Filipino, by beating the said Feliciano Maxino with a club and by cutting and striking said Feliciano Maxino with a bolo, then and there had and held by said Ambrosio Loreto in his hands, thereby inflicting wounds of which the said Feliciano Maxino then and there died. This at the place above specified, about 9 o'clock p. m., on or about June 7, 1900."

Specification 3.—"In that Ambrosio Loreto, a native Filipino, in company with others, at the barrio of Santol, pueblo of Unisan, Province of Tayabas, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder Jermana del Castillo, Flotilde Maxino, Antonino Maxino, Manuel Maxino, and Cecilio Maxino, all native Filipinos, by beating the said Jermana del Castillo, Flotilde Maxino, Antonino Maxino, Manuel Maxino, and Cecilio Maxino with a club, and by cutting and striking said Jermana del Castillo, Flotilde Maxino, Antonino Maxino, Manuel Maxino, and Cecilio Maxino with a bolo, then and there had and held by said Ambrosio Loreto in his hands, thereby inflicting wounds of which the said Jermana del Castillo, Flotilde Maxino, Manuel Maxino, Antonino Maxino, and Cecilio Maxino, and each of them, then and there died. This at the place above specified, about 2 o'clock p. m., on or about June 10, 1900."

PLEA.—"Not guilty."

FINDING.—Of the first specification, "guilty, except of the words, 'by beating the said Gabriel Castillo with a club and,' and of said excepted words not guilty." Of the second specification, "guilty, except of the words, 'by beating the said Feliciano Maxino with a club and,' and of said excepted words not guilty." Of the third specification, "guilty, except of the words 'and by cutting and striking said Jermana del Castillo, Flotilde Maxino, Antonino Maxino, Manuel Maxino, and Cecilio Maxino with a bolo,' and of said excepted words not guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Ambrosio Loreto, native Filipino, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring in this sentence."

In the foregoing case of Ambrosio Loreto, it appears from the record that the accused was a member of a band of outlaws that entered the pueblo of Unisan, and, first murdering the father-in-law and a nephew of Antonio Maxino, then proceeded to kidnap and carry away the family of said Maxino, consisting of his wife, a daughter of fourteen years, and three sons, one a mere infant. The accused appeared to be in command of the band, and then and there proclaimed himself "captain" and "king." Three days after the kidnapping of the family he was again present, with members of his band, in a secluded place in the forest, where the helpless wife and children were murdered with clubs, with which the band beat out their brains, the accused, with a club in his hands, aiding in inflicting the fatal blows.

No motive other than robbery appears of record to explain this barbarous slaughter of men, women, and children, in which the accused, it is plainly evident, actively and willingly engaged.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Tayabas, Province of Tayabas, Luzon, P. I., on the 22d day of March, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 7, 1901.

General Orders, No. 43.

Before a military commission which convened at Iloilo, Panay, P. I., pursuant to paragraph 11, Special Orders, No. 2, Headquarters Department of the Visayas, January 3, 1901, and of which Lieut. Col. Charles J. Crane, 38th Infantry, U. S. Volun-

teers, was president, and Capt. Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Doroteo Torones, a native.

CHARGE I.—“Arson.”

Specification 1.—“In that on or about the 8th day of March, 1900, then, as now, a time of insurrection, at or near the barrio of Napnapan, in the province of Iloilo, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, Doroteo Torones, a native, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, did wilfully, maliciously, and feloniously set fire to and burn the dwelling house of one Anastacio Barcelona, a native, thereby destroying said dwelling house and its contents, to wit: Eight (8) cows, five (5) carabaos, and forty (40) cavanies of rice, more or less.”

Specification 2.—“In that on or about the 8th day of March, 1900, then, as now, a time of insurrection, at or near the barrio of Napnapan, in the province of Iloilo, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, Doroteo Torones, a native, in company of and consorting with a band of armed outlaws to the number of fifty (50), more or less, did wilfully, maliciously, and feloniously set fire to and burn the dwelling house of one Francisco Trompeta, a native, thereby destroying said dwelling house and its contents, to wit: Ten (10) cavanies of rice, more or less.”

Specification 3.—“In that on or about the 8th day of March, 1900, then, as now, a time of insurrection, at or near the barrio of Napnapan, in the province of Iloilo, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, Doroteo Torones, a native, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, did wilfully, maliciously, and feloniously set fire to and burn the dwelling house of one Vicente Baldomer, a native, thereby destroying said dwelling house and its contents, to wit: Ten (10) cavanies of rice, more or less.”

Specification 4.—“In that on or about the 8th day of March, 1900, then, as now, a time of insurrection, at or near the barrio of Napnapan, in the province of Iloilo, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, Doroteo Torones, a native, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, did wilfully, maliciously, and feloniously set fire to and burn one hundred and ten (110) dwelling houses, more or less, belonging to the inhabitants of the said barrio of Napnapan.”

CHARGE II.—“Robbery.”

Specification.—“In that on or about the 8th day of March, 1900, then, as now, a time of insurrection, at or near the barrio of Napnapan, in the province of Iloilo, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, Doroteo Torones, a native, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, did wilfully, feloniously, and forcibly take, steal, and carry away from the dwelling house of one Clemencia Terania, a native, clothing of the value of ten (10) dollars, more or less, the property of the said Clemencia Terania, with the intent then and there to appropriate the same to his own use and benefit, and to the use and benefit of the members of the said band.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Doroteo Torones, “To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years.”

In the foregoing case of Doroteo Torones, native, it appears that the accused, in company and in command of a band of outlaws, fifty, more or less, armed with guns and bolos, on the 8th day of March, 1900, descended upon the barrio of Napnapan, Iloilo, and burned one hundred and ten houses of the natives there and the contents, including many carabaos, with no other motive apparent than wantonness or a desire to terrorize the community into submission to incidental robbery.

The sentence, approved by the Department Commander, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 7, 1901.

General Orders, No. 44.

Before a military commission which convened at Tacloban, Leyte, P. I., pursuant to paragraph 1, Special Orders, No. 223, December 13, 1900, Headquarters Department of the Visayas, and of which Maj. Frederick J. Combe, surgeon, U. S. Volunteers, was president, and First Lieut. Robert Le Masurier, 43d Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Eulalio Fernandez, a native.

CHARGE.—“Murder.”

Specification.—“In that, at or about one (1) o'clock a. m., on or about the 24th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Sagcajan, in the pueblo of Tacloban, island of Leyte, P. I., the said place being then, as now, a part of the territory of the United States and under its military government, one Eulalio Fernandez, a native resident of the said barrio of Sagcajan, did willfully, feloniously, and with malice aforethought murder and kill one Hilario Daaco, a native resident of the said barrio of Sagcajan, by then and there striking and cutting the said Hilario Daaco with a knife or dagger held in the hand of the said Eulalio Fernandez, then and there and in the manner aforesaid inflicting upon the said Hilario Daaco a grievous bodily wound, from the effects of which said wound, so inflicted as aforesaid, the said Hilario Daaco then and there died at or about nine (9) o'clock a. m., on or about the said 24th day of August, A. D. 1900.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Eulalio Fernandez, a native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring.”

In the foregoing case of Eulalio Fernandez the accused is alleged to have murdered Hilario Daaco, a native, without motive or reason, by rushing up to him in the presence of two witnesses at two (2) o'clock in the morning and stabbing him once with a dagger. There is a want of fullness and frankness as to the details of this alleged assault that leaves much of material importance lacking in the record and the testimony of the prosecution unconvincing. The elements necessary to make out the crime of murder, i. e., premeditation and malice aforethought, have not been proven, nor even those facts that are necessary to make out a felonious killing.

The evidence, on the other hand, submitted in behalf of the defense of justifiable homicide, is consistent with the probabilities, is plausible, and corroborated not only by two native witnesses, but in part by Maj. Frederick J. Combe, surgeon, U. S. V.

On the merits of the case there is ample room for that reasonable doubt in favor of the accused to the benefit of which, under the law, he is entitled; but there appears of record a very grave error in ruling on the admission of evidence which materially affects a substantial right of the accused. The question of Rafael Panoranda, on cross-examination, “Are you a Bolero?” was not incompetent. No one was more competent to answer this question than the witness himself. The question was material as affecting the credibility of the witness and the reliance to be placed in his testimony. It was vitally material to the accused as calling for corroborative facts to his defense. If the question was excluded on the ground that the answer might tend to incriminate the witness, this was error. The privilege of refusing to answer such questions is personal to the witness and can be exercised or waived by him alone, and his inquisitor is entitled to have that personal refusal and the grounds thereof spread upon the record as an element to be considered in gauging the weight to be given to his testimony.

To hold this accused guilty of murder under the conditions presented in this case, when it is a notorious fact that murderous bands are industriously kidnaping, assassinating, and even burying alive their countrymen, is to make the law blind to the actual conditions prevailing here and thereby distort its true spirit of protection of the lives of just men into a written code so inflexible and blind as to make it an engine of wrong.

In view of the foregoing, the finding and sentence are disapproved and the accused will be set at liberty.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., March 8, 1901.

General Orders, No. 45.

Before a military commission which convened at San Isidro, province of Nueva Ecija, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 171, Headquarters Department of Northern Luzon, October 17, 1900, and of which Capt. Ernesto V. Smith, 4th U. S. Infantry, was president, and First Lieut. Richard C. Day, 34th Infantry, U. S. Vols., was judge-advocate, was arraigned and tried Benito Catacutan, a native.

CHARGE I.—“Murder.” Specification.—“In that Benito Catacutan, native, in company of, and consorting with, a band of armed outlaws, to the number of 5, more or less, did willfully, feloniously, and with malice aforethought, kill and murder one Pedro Escobar, native, by forcibly seizing and binding the arms of the said Escobar, native, and then throwing him, the said Escobar, native, so bound by the hands of the said Catacutan, and the hands of the said outlaws, into the Rio Grande de Pampanga, thereby causing the death by drowning of the said Escobar, native. This at the barrio of Santa Cruz, pueblo of San Luis, Pampanga, Luzon, a place then, as now, in territory occupied by United States troops, at or about 11 o'clock p. m., July 4, 1900, a time then, as now, of insurrection against the authority of the United States.”

CHARGE II.—“Assault with intent to kill.” Specification.—“In that Benito Catacutan, native, in company of, and consorting with, a band of armed outlaws, to the number of 5, more or less, did forcibly seize and bind the arms of Pedro Escobar, Teodoro Lumban, Bastillo Torres, and Pedro Sese, natives, and each of them, and did then throw the said Escobar, Lumban, Torres, and Sese, natives, and each of them, so bound, at the hands of said Catacutan and at the hands of the said outlaws, into the Rio Grande de Pampanga, thereby intending by such assault to compass the death of the said Escobar, Lumban, Torres, and Sese, natives, and each of them. This at barrio Santa Cruz, pueblo of San Luis, Pampanga, Luzon, at or about 11 o'clock p. m., July 4, 1900, a time then, as now, of insurrection against the authority of the United States, and in territory occupied by United States troops.”

CHARGE III.—“Robbery.” Specification.—“In that Benito Catacutan, native, in company of, and consorting with, a band of armed outlaws to the number of 5, more or less, did forcibly seize, steal, take, and remove from the presence of Pedro Escobar, Teodoro Lumban, Bastillo Torres, and Pedro Sese, natives, certain money consisting of 37 pesos, more or less, the property of the said Escobar, Lumban, Torres, and Sese, natives. This at barrio of Santa Cruz, pueblo of San Luis, Pampanga, Luzon, a place then, as now, in territory occupied by United States troops, on July 4, 1900, a time then, as now, of insurrection against the authority of the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Benito Catacutan, native, “to be hung by the neck until he is dead, at such time and place as the proper authorities may direct, two-thirds of the members concurring therein.”

In the foregoing case of Benito Catacutan, native, it appears of record that four men, natives, journeyed together from their home in Arayat to San Luis to attend mass on the 4th of July. Night overtaking them, on their return they stopped in a house in the barrio of Santa Cruz. With the permission of the master of the house a game of monte was started, the visitors from Arayat pooling their money and keeping the bank. Many people were present. The game broke up about 11 o'clock and the players departed, except the visitors from Arayat, who were given beds for the night. The bank had won some money, and the visitors, while talking over their good fortune, were surprised by the return of the accused and four other men, one armed with a rifle and the others with bolos, who proceeded to tie their arms behind their backs and to take from them the money found upon their persons. This being accomplished, the assailants drove their captives before them to the river near by and, further securing them by tying them together by the necks with a rope, they then forced them, with cutting blows with their bolos, into the river. While struggling in the water three of the men, by mutual assistance with their hands and teeth, succeeded in loosening their fastenings, but the deceased, who was more severely wounded than his companions, sank and was drowned, his body being recovered from the river the next day, exhibiting several deep bolo wounds, and with the arms still bound behind the back.

Two of the men who escaped appeared before the commission, bearing upon their bodies ugly scars in evidence of the deadly assault made upon them, the details of which they related with every appearance of fidelity to the truth. The testimony of these witnesses is largely corroborated by the man whose guests they were and by other witnesses present at the game.

The accused in his sworn statement admitted the assault and that he took the money, but denied all part in the assault and murder by drowning that followed.

That he is, however, guilty as charged there is no reasonable doubt.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of his natural life. The Presidio de Manila is designated as the place of confinement, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 9, 1901.

General Orders, No. 46.

Before a military commission which convened at Lingayen, Pangasinan, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 234, Headquarters Department of Northern Luzon, December 23, 1900, and of which Maj. Charles L. Hodges, 17th U. S. Infantry, was president, and Second Lieut. John R. Thomas, jr., 17th U. S. Infantry, was judge-advocate, were arraigned and tried Pastor Estrada, Jacinto Bravo, and Mariano Bravo, natives.

CHARGE.—“Murder.” *Specification.*—“In that on a certain Monday (date unknown) in the month of December, 1899, Pastor Estrada, Jacinto Bravo, and Mariano Bravo, natives, did go in a party to the house of one Martin Ibasan, native in the barrio of San Isidro, town of Binmaley, province of Pangasinan, island of Luzon, P. I., and did willfully, feloniously, and with malice aforethought, kill and murder the said Martin Ibasan, by cutting and stabbing the said Martin Ibasan with deadly weapons, commonly called bolos, inflicting therewith wounds whereof the said Martin Ibasan then and there died. This at a time then, as now, of insurrection against the supreme authority of the United States, and in a place then, as now, in the theater of active military operations of the armed forces of the United States.”

PLEAS.—“Not guilty.”

FINDINGS.—Mariano Bravo, of the specification, “guilty, excepting the word ‘natives,’ and substituting therefor the word ‘native,’ and excepting the words ‘in a party’ and excepting the words ‘deadly weapons,’ substituting therefor the words ‘a deadly weapon,’ and excepting the word ‘bolos,’ substituting therefor the words ‘a dagger,’ excepting the word ‘wounds,’ substituting the words ‘a wound,’ of the excepted words not guilty, of the substituted words guilty.” Of the charge, “guilty.” Pastor Estrada and Jacinto Bravo, of the specification, “not guilty.” Of the charge, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Mariano Bravo, native, “To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty-five years.”

And the commission does therefore acquit them, Pastor Estrada and Jacinto Bravo, natives.

In the foregoing case of Pastor Estrada, Jacinto Bravo, and Mariano Bravo, natives, it appears that the wife of the deceased alone gives evidence incriminating to the accused, Mariano Bravo, and those accused who were acquitted. As to the latter the acquittal of itself shows this witness’ testimony to have been in part unreliable. She certainly can not be said to be unbiased against the admitted slayer of her husband, and her motive for falsifying against Mariano Bravo was stronger than against the other two, as the former actually struck the blow. Her testimony is not only unconvincing but tainted with glaring improbabilities, and is absolutely discredited in its relation to the accused Pastor Estrada and Jacinto Bravo.

The testimony of the accused, Mariano Bravo, corroborated by Raphina Doria, is that deceased, enraged by the refusal of Mariano to join the Guardia de Honor, attacked him with a dagger, and in the struggle received a wound from his own weapon. The character of the Guardia de Honor and its methods of assassination are of sufficient publicity to justify judicial notice to be taken of them, and if more natives took the positive stand against its criminal aggressions against life and liberty as it seems probable was taken by Mariano Bravo, the suppression of such unlawful organizations would be greatly facilitated.

As a criminal act has not been made out beyond a reasonable doubt in this case, the sentence of Mariano Bravo is disapproved, and he will be set at liberty.

By command of Major General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 13, 1901.

General Orders, No. 47.

Before a military commission which convened at Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 234, Headquarters Department of Northern Luzon, December 23, 1900, and of which Maj. Charles L. Hodges, 17th U. S. Infantry, was president, and Second Lieut. John R. Thomas, jr., 17th U. S. Infantry, was judge-advocate, was arraigned and tried Silverio Cavili and Lorenzo de la Cruz, natives.

CHARGE 1.—“Murder.” *Specification.*—“In that Silverio Cavili and Lorenzo de la Cruz, natives, on or about December 6, 1900, a time of insurrection, then as now, against the lawful authority of the United States, at or near barrio Talogtog, in Lingayen district, province of Pangasinan, P. I., a place, then as now, in the theater of active military operations, in company of, and consorting with, a band of outlaws armed with bolos and to the number of six (6), more or less, did feloniously and with malice aforethought kill and murder one Casiano Buyong Cruz, native, by binding his arms with rope and forcibly carrying him away from his home, and then throwing him while bound into the river Agno, thereby causing the death by drowning of the said Buyong Cruz. This at the time and place specified.”

CHARGE 2.—“Robbery.” *Specification.*—“In that Silverio Cavili and Lorenzo de la Cruz, natives, on or about December 6, 1900, a time of insurrection then as now, against the lawful authority of the United States, at barrio Talogtog, in Lingayen district, province of Pangasinan, P. I., a place, then as now, in the theater of active military operations, in company of, and consorting with, a band of outlaws armed with bolos, and to the number of six (6), more or less, did feloniously and forcibly take from the presence of Señora Marcela Vinluan, native, money to value of (46) forty-six dollars, Mexican, more or less, and a quantity of clothing and jewelry to the value of (15) fifteen dollars, Mexican, more or less, the property of the said Marcela Vinluan and her husband, Casiano Buyong Cruz. This at the time and place above specified.”

PLEAS.—“Not guilty.”

FINDINGS.—Silverio Cavili, “guilty.” Lorenzo de la Cruz, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Silverio Cavili, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

And the commission does therefore “acquit” him, Lorenzo de la Cruz, native.

In the foregoing case of Silverio Cavili and Lorenzo de la Cruz, natives, a single witness gives evidence connecting both of the accused with the commission of the alleged crimes. The facts alleged against each are identical and the witness is as positive in her allegations against one as against the other. One is acquitted and properly so, the other convicted and sentenced to death. The logic of this latter finding is predicated on the evident belief of the commission that the accused, Silverio Cavili, from the witness stand, made a false statement as to an extraneous matter, to which false statement the commission appears to have given undue weight in its findings. The question as to the truth or falsity of this statement resolves itself into a matter of veracity between two witnesses. The commission undoubtedly had the right to disbelieve either. But conceding the statement of Silverio Cavili to have been made falsely in order to strengthen his defense, this in itself does not prove him guilty of the alleged murder and robbery nor strengthen the unconvincing and discredited testimony of the prosecution upon those charges.

That the single witness to the facts connecting both of the accused with the crimes testified falsely in every fact applicable to one of them, has been judicially determined by the acquittal of the accused Lorenzo de la Cruz, and as this same evidence, uncorroborated, comprises all there is to support the finding of guilty against the accused Silverio Cavili, no adequate reason appears why he was not acquitted also.

The sentence is therefore disapproved, and the accused, Silverio Cavili, will be set at liberty.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 16, 1901.

General Orders, No. 49.

Before a military commission which convened at Manila, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 149, Headquarters Division of the Philippines,

September 27, 1900, and of which Maj. William P. Vose, 6th U. S. Artillery, was president, and 1st Lieut. Edward H. White, 39th Infantry, U. S. Vols., was judge-advocate, was arraigned and tried Nicolas Ignacio, native.

CHARGE.—“Murder.” Specification.—“In that Nicolas Ignacio, a native, did willfully, feloniously, and with malice aforethought kill and murder one Jose Rodriguez, a Spaniard, by stabbing him with a bolo in his (the said Nicolas Ignacio’s) hand, then and there had and held, and inflicting wounds therewith, whereof the said Jose Rodriguez then and there died. This in time of insurrection at Ragay, Camarines Sur, Luzon, P. I., a place under the military government of the United States, on or about April 15, 1900.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Nicolas Ignacio, native, “To be confined at hard labor for the term of his natural life, at such place, beyond the limits of the Philippine archipelago, as the reviewing authority may direct.”

In the foregoing case, it is established, by affirmative evidence, beyond any reasonable doubt, that the accused, Nicolas Ignacio, native, ruthlessly hacked to death, with a bolo, Jose Rodriguez, a Spanish prisoner, because the latter had asked to be excused from performing a menial duty during a holiday. The murder was premeditated, cold-blooded, and cowardly, the relation of conquerer and conquered, custodian and prisoner of war, existing between the parties; and the deed was committed while the deceased was unarmed and defenseless. The case is devoid of extenuating circumstances.

So much of the sentence as designates its place of execution goes beyond the judicial functions of the commission. Courts-martial and military commissions fix the nature and duration of the punishment they impose, but have no power to designate the place of execution.

So much of the sentence as relates to confinement at hard labor for life is approved, and will be duly executed. The presidio de Manila is designated as the place of confinement, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 16, 1901.

General Orders, No. 49.

Before a military commission which convened at Manila, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 149, Headquarters Division of the Philippines, September 27, 1900, and of which Maj. William P. Vose, 6th U. S. Artillery, was president, and First Lieut. Edward H. White, 39th Infantry, U. S. Vols., was judge-advocate, was arraigned and tried: Nicolas Ignacio, native.

CHARGE.—“Murder.” Specification.—“In that Nicolas Ignacio, a native, did willfully, feloniously, and with malice aforethought, kill and murder one Jose Rodriguez, a Spaniard, by stabbing him with a bolo in his (the said Nicolas Ignacio’s) hand, then and there had and held, and inflicting wounds therewith, whereof the said Jose Rodriguez then and there died. This in time of insurrection at Ragay, Camarines Sur, Luzon, P. I., a place under the military government of the United States, on or about April 15, 1900.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Nicolas Ignacio, native, “To be confined at hard labor for the term of his natural life, at such place, beyond the limits of the Philippine Archipelago, as the reviewing authority may direct.”

In the foregoing case, it is established, by affirmative evidence, beyond any reasonable doubt, that the accused, Nicolas Ignacia, native, ruthlessly hacked to death, with a bolo, José Rodriguez, a Spanish prisoner, because the latter had asked to be excused from performing a menial duty during a holiday. The murder was premeditated, cold-blooded and cowardly, the relation of conqueror and conquered, custodian and prisoner of war, existing between the parties; and the deed was committed

while the deceased was unarmed and defenseless. The case is devoid of extenuating circumstances.

So much of the sentence as designates its place of execution goes beyond the judicial functions of the commission. Courts-martial and military commissions fix the nature and duration of the punishment they impose, but have no power to designate the place of execution.

So much of the sentence as relates to confinement at hard labor for life is approved, and will be duly executed. The Presidio de Manila is designated as the place of confinement, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 18, 1901.

General Orders, No. 51.

Before a military commission which convened at Aparri, Province of Cagayan, Luzon, P. I., pursuant to paragraph 11, Special Orders, No. 79, Headquarters Department of the Pacific and 8th Army Corps, March 24, 1900, and of which Maj. Henry G. Ward, 16th U. S. Infantry, was president, and First Lieut. Guy G. Palmer, 16th U. S. Infantry, was judge-advocate, was arraigned and tried: Pablo Lemo, Apolonio Jipagan, and Eualio Manabag, natives.

CHARGE.—“Murder.” Specification.—“In that they, Pablo Lemo, Apolonio Jipagan, and Eualio Manabag, natives, and each of them, on or about February 28, 1900, a time, then as now, of insurrection, at or near the pueblo of Cabagan Nuevo, Province of Isabela, P. I., a place, then as now, in the theater of active military operations, in company and consorting with Jose Licuel, Vicente Tolamayan, and Guadlucio Tolamayan, did willfully, feloniously, and with malice aforethought, kill and murder Private Eugene S. Anderson, Company E, 16th U. S. Infantry, by stabbing the said Private Eugene S. Anderson with a poniard and striking him with bolos held in the hands of the said Pablo Lemo, Apolonio Jipagan, and Eualio Manabag, and their companions, inflicting wounds therewith whereof the said Private Eugene S. Anderson then and there died. This at the time and place above specified.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Pablo Lemo, Apolonio Jipagan, and Eualio Manabag, natives, and each of them, “To be hung by the neck until they and each of them be dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Pablo Lemo, Apolonio Jipagan, and Eualio Manabag, natives, who were jointly tried for the murder of Private Eugene S. Anderson, Company E, 16th U. S. Infantry, it appears that the deceased and another soldier constituted a guard for a casco that stopped near the town of Cabagan Nuevo and the deceased went ashore to gather wood. He was seen to enter a near-by copse, accompanied by two of these accused, who were in ordinary dress, and with whom he was conversing in an apparently friendly manner. Failing to return promptly, his name was called loudly and a rifle fired to attract his attention, without getting any response.

From the testimony of a single eyewitness, corroborated by convincing circumstantial evidence, it appears that the deceased was seized and brutally murdered by these accused; the witness's testimony being further confirmed by the subsequent finding and identification of the body of the deceased.

The witnesses introduced by the defendants failed completely to meet the charge, their testimony being confined solely to their good reputation.

No provocation whatever appears to have prompted their wanton act of murder.

The sentence of death awarded these accused is approved, and will be duly executed at the pueblo of Tuguegarao, Province of Cagayan, Luzon, P. I., on the ninth (9) day of April, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 20, 1901.

General Orders, No. 52.

Before a military commission which convened at Tarlac, province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Maj. Henry C. Ward, 12th U. S. Infantry, was president, and First Lieut. George H. Shields, jr., 12th U. S. Infantry, was judge-advocate, was arraigned and tried: Federico Morales, a native.

CHARGE.—“Aiding and abetting a public enemy.”

Specification 1.—“In that he, Federico Morales, presidente of La Paz, P. I., did, while serving as presidente of La Paz, P. I., under the authority of the United States, give the insurgent forces, a public enemy, information as to the movements of the United States troops. This at La Paz, P. I., on or about September 26, 1900, then, as well as now, in time of insurrection against the lawful authority of the United States and within the theater of military operations.”

Specification 2.—“In that he, Federico Morales, presidente of La Paz, P. I., did, while serving as presidente of La Paz, P. I., under the authority of the United States, give orders for food and clothing to be collected and sent to the insurgent forces, a public enemy. This at La Paz, P. I., on or about September 26, 1900, then, as well as now, in time of insurrection against the lawful authority of the United States and within the theater of military operations.”

Specification 3.—“In that he, Federico Morales, presidente of La Paz, P. I., did, while serving as presidente of La Paz, P. I., under the authority of the United States, take money, wine, and food, more or less, to the insurgent forces, a public enemy of the United States. This at La Paz, P. I., on or about October 3, 1900, then, as well as now, in time of insurrection against the lawful authority of the United States and within the theater of military operations.”

Specification 4.—“In that he, Federico Morales, presidente of La Paz, P. I., did, while serving as presidente of La Paz, P. I., under the authority of the United States, give orders to the cabezas of the barrios of the pueblo of La Paz, P. I., that on the approach of the United States troops to notify any insurgent forces that might be in or around their respective barrios, of the approach of said United States troops. This at La Paz, P. I., on or about October 5, 1900, then, as well as now, in time of insurrection against the lawful authority of the United States and within the theater of military operations.”

Specification 5.—“In that Federico Morales, presidente of La Paz, P. I., did, while serving as presidente of La Paz, P. I., under the authority of the United States, collect money, amount unknown, pretending it was for the purpose of building a church at La Paz, P. I., but in reality for the insurrectos, a public enemy, to whom he gave said money. This at La Paz, P. I., between September 17, 1900, and November 4, 1900, then, as well as now, in time of insurrection against the lawful authority of the United States and within the theater of military operations.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, “guilty.”

Of the second specification, “guilty.”

Of the fourth specification, “guilty, excepting the words ‘the cabezas,’ substituting therefor ‘a cabeza’ and excepting the words ‘the barrios’ substituting therefor ‘a barrio’ of the excepted words, not guilty, and of the substituted words, guilty.”

Of the fifth specification, “guilty.”

Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Federico Morales, native, “to be hanged by the neck until dead, at such time and place as the reviewing authorities may direct, two-thirds of the commission concurring.”

In the foregoing case of Federico Morales, native, the accused admitted that he was the presidente of La Paz; that he had taken the oath of allegiance to the United States and that he well knew “that after taking this oath he could have nothing to do with the enemies of the United States.” The evidence clearly shows that, while outwardly loyally performing the duties of his office under the authority of the United States, he was treasonably and secretly devoting his energies to giving aid and comfort to the insurgents by collecting contributions of money, raising and forwarding to them supplies of food and clothing and in giving them information concerning the disposition and movements of the United States troops.

Natives who assume the duties of office under the authority of the United States, and then traitorously and secretly use their position of trust and confidence to more surely render effective aid and encouragement to their enemies, must expect to suffer the penalties authorized by the laws of war.

The sentence, approved by the department commander, is confirmed, but is com-

mutated to confinement at hard labor for the period of ten years. As mitigated the sentence will be duly executed. The Presidio de Manila is designated as the place of confinement, to which the prisoner will be sent under proper guard.

By command of Major-General McArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 20, 1901.

General Orders, No. 53.

Before a military commission convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 9, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Captain William L. Buck, 13th U. S. Infantry, was president, and 1st Lieutenant Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, was arranged and tried Inocencio Mendoza, native.

CHARGE.—“Murder.” Specification.—“In that Inocencio Mendoza, a native, in company of, and consorting with, Guillermo Garcia and Florencio Semana, natives, did willfully, feloniously, and with malice aforethought, kill and murder Juana Licay, Alejandro Manyon, Ambrosio Balagot, and Espitacia Manyon, natives, with bolos held in the hands of said Mendoza, Garcia, and Semana, inflicting wounds therewith whereof they, the said Juana Licay, Alejandro Manyon, Amrosio Balagot, and Espitacia Manyon then and there died. This near San Julian, a barrio of Moncada, Tarlac Province, P. I., a place then, as now, under military government of the United States, on or about May 27, 1900, then, as now, a time of insurrection against the lawful authority of the United States.”

PLEA.—“Not guilty.”

FINDINGS.—Of the specification, “guilty, except of the words ‘Alejandro Manyon’ and ‘Espitacia Manyon,’ substituting therefor the words ‘Alejandro Manzon’ and ‘Cornelia Manzon’ and of the excepted words not guilty and of the substituted words guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Inocencio Mendoza, a native, “to be hung by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Inocencio Mendoza, native, it appears of record that the accused and two associates who are now undergoing life sentences at hard labor, approached a party of five persons, two men, one woman, and two children, who were engaged in fishing; that these men were armed with talibones and asked the fishers for, and without pay or protest from them were given fish. They next possessed themselves of a bolo, which one of the fishermen had with him, and then proceeded to kill the deceased with their talibones.

One of their intended victims escaped and told the story of their crime. His testimony and that of other witnesses, supported by many corroborating facts, leave no reasonable doubt that the accused is guilty as charged.

The sentence, approved by the department commander, is confirmed, but is commuted to confinement at hard labor during the period of his natural life. As thus mitigated, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 21, 1901.

General Orders, No. 54.

Before a military commission which convened at Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 6, Special Orders No. 234, Headquarters Department of Northern Luzon, December 23, 1900, and of which Major Charles L. Hodges, 17th U. S. Infantry, was president, and 2d Lieutenant John R. Thomas, jr., 17th U. S. Infantry, was judge-advocate, was arraigned and tried Lorenzo Ramos, a native.

CHARGE.—“Murder.”

Specification 1.—“In that Lorenzo Ramos, a native, during the month of October

or November, 1899, at or near the barrio of Buenlag, pueblo of Binmaley, province of Pangasinan, then, as now, in time of insurrection and in the theater of active military operations, in company with a band of natives acting under his orders, did willfully, feloniously, and with malice aforethought kill and murder Cornelio Pachico, a native, by shooting him with a revolver held in the hands of said Lorenzo Ramos, from the effects of which the said Cornelio Pachico then and there died. This at the time and place above specified."

Specification 2.—"In that Lorenzo Ramos, native, during the month of December, 1899, at or near the barrio of Buenlag, pueblo of Binmaley, province of Pangasinan, then, as now, in time of insurrection and in the theater of active military operations, in company with a band of natives acting under his orders, did willfully, feloniously, and with malice aforethought kill and murder Apolonario de Vera and his two children (names unknown) by shooting them with a revolver held in the hand of said Lorenzo Ramos, from the effects of which said Apolonario de Vera and his two children (names unknown) then and there died. This at the time and place above specified."

Specification 3.—"In that Lorenzo Ramos, native, during the month of January, 1900, at or near the barrio of Buenlag, pueblo of Binmaley, province of Pangasinan, then, as now, in time of insurrection and in the theater of active military operations, in company with a band of natives acting under his orders, did willfully, feloniously, and with malice aforethought kill and murder Felix Fernandez and Santiago Fernandez, each and both of them, by shooting them with a revolver held in the hand of said Lorenzo Ramos, from the effects of which said Felix Fernandez and Santiago Fernandez, each and both of them, then and there died. This at the time and place above specified."

Specification 4.—"In that Lorenzo Ramos, native, during the month of January, 1900, at or near the barrio of Buenlag, pueblo of Binmaley, province of Pangasinan, then, as now, in time of insurrection and in the theater of active military operations, in company with a band of natives acting under his orders, did willfully, feloniously, and with malice aforethought kill and murder Severino Victoria and Leon de Guzman, natives, each and both of them, by shooting them with a revolver held in the hand of said Lorenzo Ramos, from the effects of which said Severino Victoria and Leon de Guzman, each and both of them, then and there died. This at the time and place above specified."

Specification 5.—"In that Lorenzo Ramos, native, during the month of January, 1900, at or near the barrio of Buenlag, pueblo of Binmaley, province of Pangasinan, then, as now, in time of insurrection and in the theater of active military operations, in company with a band of natives acting under his orders, did willfully, feloniously, and with malice aforethought kill and murder Mariano Desgracias by shooting him with a revolver held in the hand of said Lorenzo Ramos, from the effects of which said Mariano Desgracias then and there died. This at the time and place above specified."

Specification 6.—"In that Lorenzo Ramos, native, during the month of April, 1900, at or near the barrio of Buenlag, pueblo of Binmaley, province of Pangasinan, then, as now, in time of insurrection, and in the theater of active military operations, in company with a band of natives acting under his orders, did willfully, feloniously, and with malice aforethought kill and murder Alejandro Marquez, alias Sandoy Pescador, native, by shooting him with a revolver held in the hand of said Lorenzo Ramos, from the effects of which said Alejandro Marquez, alias Sandoy Pescador, then and there died. This at the time and place above specified."

Specification 7.—"In that Lorenzo Ramos, native, during the month of May, 1900, at or near the barrio of Buenlag, pueblo of Binmaley, province of Pangasinan, then, as now, in time of insurrection, and in the theater of active military operations, in company with a band of natives acting under his orders, did willfully, feloniously, and with malice aforethought kill and murder Mariano Augustine, native, by shooting him with a revolver held in the hand of said Lorenzo Ramos, from the effects of which said Mariano Augustine then and there died. This at the time and place above specified."

PLEA.—"Not guilty."

FINDING.—Of the first specification, "guilty, excepting the words 'in company with a band of natives, acting under his orders,' of the excepted words not guilty." Of the second specification, "guilty." Of the third specification, "not guilty." Of the fourth specification, "not guilty." Of the fifth specification, "not guilty." Of the sixth specification, "guilty." Of the seventh specification, "guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Lorenzo Ramos, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case it appears that the accused, Lorenzo Ramos, styling himself a "captain of bolomen," maintained a reign of terror in the vicinity of his operations by personally assassinating all who met with his displeasure. He alone carried a revolver, and forbade the use of one by his followers. Supported by a band of outlaws armed with talibones, he chose his victims, ordered out to the place of execution all inhabitants of the locality as spectators, and personally shot to death with a revolver, on distinct and separate occasions, four men and two children. His motive in one instance was retaliation for a refusal of his victim to sell him fish; in another, because too poor to pay him a contribution, and he killed a father because of his animosity to the son.

Of the killing of these six natives the accused has been convicted on the most positive and direct evidence of eye witnesses of the crime. Strong evidence against the accused as to the killing of five others under similar circumstances appears of record, and no reasonable doubt of his guilt as to these crimes springs naturally from the evidence. His acquittal under the specifications relating to these five can only be accounted for on the assumption that the commission was under a misapprehension of the meaning of the *corpus delicti* of a crime. This does not mean so much the physical body of the victim as the metaphorical body of the offense. It may be established by circumstantial as well as direct evidence, and the actual production of the physical body or of some witness who has seen it is not absolutely essential. In homicide it means that a killing has taken place and that the killing was felonious.

When these two facts have been made out by any class of competent evidence the "*corpus delicti*" is established.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the pueblo of Binnaley, province of Pangasinan, Luzon, P. I., on the (5th) fifth day of April, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 21, 1901.

General Orders, No. 55.

Before a military commission which convened at Manila, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 199, Headquarters Department of Southern Luzon, October 31, 1900, and of which Lieutenant-Colonel Edward M. Hayes, 4th U. S. Cavalry, was president, and 1st Lieutenant Lutz Wahl, 21st U. S. Infantry, was judge-advocate, was arraigned and tried Lorenzo Prieto, a Spaniard.

CHARGE I.—"Corresponding with the enemy, in violation of the laws of war."

Specification.—"In that Lorenzo Prieto, a Spaniard, did hold correspondence with the enemy by writing and transmitting secretly through the lines to General Juan Cailles, Lieutenant-Colonel Julio Herrera, and Captain Faustino Pantua, all insurrectionists and officers of the insurgent army, communications concerning the forces of the United States, their movements, the acts and speeches of natives loyal to the Government of the United States, and rendering assistance to its forces. This, in time of insurrection, at or near Manila, P. I., and San Pablo, Laguna Province, Luzon, P. I., both places under the military government of the United States, in or about the months of May, June, and July, 1900."

CHARGE II.—"Giving intelligence to the enemy, in violation of the laws of war."

Specification 1.—"In that Lorenzo Prieto, a Spaniard, did give intelligence to the enemy by writing and transmitting secretly through the lines to General Juan Cailles, Lieutenant-Colonel Julio Herrera, and Faustino Pantua, all insurrectionists and officers of the insurgent army, communications in substance as follows: Information whether or not a successful attack could be made by the insurgent army upon the detachment of United States soldiers garrisoning the city of San Pablo, Laguna Province, P. I., and information of the movement of United States troops from San Pablo, aforesaid, and information concerning losses in battle with insurgents, sustained by the army of the United States, and information of the organization of Filipinos, loyal to the United States Government, for the purpose of aiding the United States forces, and of assistance promised the United States forces by soldiers of the insurgent army."

Specification 2.—"In that Lorenzo Prieto, a Spaniard, did give intelligence to the enemy by writing and transmitting secretly through the lines to Lieutenant-Colonel Julio Herrera, an insurrectionist and officer of the insurgent army, communications

in substance as follows: Information, giving the names of Filipinos who participated in the celebration of Independence Day, 1900, at San Pablo, aforesaid, and information describing loyal speech and acts of the presidente of said San Pablo on said Independence Day, and information of the language of an address expressing allegiance to the United States Government, made by Padre Quica, priest of said San Pablo, at San Pablo on Independence Day, 1900. All the above, in time of insurrection, at or near San Pablo, province of Laguna, Luzon, P. I., and Manila, P. I., both places under the military government of the United States, in or about the months of May, June, and July, 1900."

PLEAS.—To the specification, first charge, "not guilty." To the first charge, guilty, except to the words, 'in violation of the laws of war,' of the accepted words not guilty." To the first specification, second charge, "not guilty." To the second specification, second charge, "guilty, except to the words 'secretly through the lines,' of the accepted words not guilty." To the second charge, "guilty, except to the words 'in violation of the laws of war,' of the accepted words not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Lorenzo Prieto, a Spaniard, "To be hung by the neck until he is dead, at such a time and place as the reviewing authority may direct, two-thirds of the members concurring therein.

In the foregoing case of Lorenzo Prieto, a Spaniard by birth, it appears from the evidence consisting of the oral testimony of many witnesses and much documentary evidence, chiefly written and subscribed by himself, that while employed in Southern Luzon as an agent of a Manila firm, engaged in the copra trade, he was diligently engaged in forwarding to the insurgent chief Cailles and his subordinates, by secret agencies, all the military information he could gather that, in his opinion, might promote the interests of the insurgents, expose American garrisons to their successful attacks, and to betray by name such natives, men and women, as by loyal conduct and open declarations were supporting the Government of the United States. All this he did while maintaining the appearance of being solely engaged in legitimate trade under the sanction and protection of American authority; and, at a time when he well knew he exposed the lives of the natives he named to the notorious methods of murder and assassination of the insurgent chief with whom he corresponded.

It further appears that he devised a plan whereby a tax could be levied upon the copra trade within the limits of his agency and offered his services to insure its successful collection, and that he was interested in the efforts of the insurgents to secure needed ammunition.

That the accused deliberately chose to further the interests of the insurrection, in violation of his obligation of neutrality, appears in specific statements over his signature.

The sentence, approved by the department commander, is confirmed but is commuted to imprisonment at hard labor for the term of ten (10) years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 22, 1901.

General Orders, No. 56.

Before a military commission which convened at Calamba, province of Laguna, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 213, Headquarters Department of Southern Luzon, November 14, 1900, and of which Maj. George G. Greenough, Seventh United States Artillery, was president, and First Lieut. Guy H. B. Smith, Fourth United States Infantry, was judge-advocate, were arraigned and tried:

Eugenio Hervosa, Perfecto Alviar, Segundo Alnasan, Serapio Alviar, Augustin Herbosa, Ysidoro Enicela, alias "Munti," Isidro Aligpala, José Reyes, and Tedoro Lacerna, alias "Caliua," natives.

CHARGE.—"Murder."

Specification 1.—"In that Eugenio Hervosa, Perfecto Alviar Segundo Alnasan, Serapio Alviar, Augustin Herbosa, Ysidoro Enicela, alias 'Munti,' Isidro Aligpala, José Reyes, and Teodoro Lacerna alias, 'Caliua,' natives, residents of Luzon, P. I., together with other natives whose names are unknown, did conspire, agree, and bind together to kill and murder one Honorato Quisumbing, a native and resident of Los Baños, P. I., and did, pursuant to such conspiracy, agreement, and banding together,

lay in wait in ambush for the said Honorato Quisumbing, and did, pursuant to said conspiracy, agreement, and banding together, make an assault upon the said Honorato Quisumbing with clubs, knives, bolos, and daggers, and did then and there wilfully, feloniously, and with malice aforethought kill and murder the said Honorato Quisumbing by striking, cutting, and stabbing the said Honorato Quisumbing with the said clubs, knives, bolos, and daggers held in the hands of the said Eugenio Hervosa, Perfecto Alviar, Segundo Alnasan, Serapio Alviar, Augustin Herbosa, Ysidoro Enicela, alias 'Munti,' Isidro Aligpala, José Reyes, and Teodoro Lucerna, alias 'Caluia,' natives, etc., then and there and thereby inflicting various mortal wounds upon the head and other parts of the body of the said Honorato Quisumbing, whereof he, the said Quisumbing, then and there died. This on or about August 28, 1900, then, as now, a time of insurrection, at or near Calamba, Laguna Province, Luzon, P. I., a place then, as now, under the military government of the United States."

Specification 2.—"In that Eugenio Hervosa, Perfecto Alviar, Segundo Alnasan, Serapio Alviar, Augustin Herbosa, Ysidoro Enicela, alias 'Munti,' Isidro Aligpala, José Reyes, and Teodoro Lacerna, alias 'Caluia' natives, residents of Luzon, P. I., armed with deadly weapons, to wit, clubs, knives, bolos, and daggers, and acting in concert, and pursuant to a common intent, to wit, the killing and murdering of one Honorato Quisumbing, a native and resident of Los Baños, P. I., did wilfully, feloniously, and with malice aforethought assault and kill and murder the said Honorato Quisumbing, native, by striking, cutting, and stabbing him, the said Honorato Quisumbing, native, upon the head and various other parts of the body with the aforesaid deadly weapons, then and there and thereby inflicting upon him, the said Honorato Quisumbing, various wounds, whereof he, the said Honorato Quisumbing, then and there within a few hours died, they the said Eugenio Hervosa, Perfecto Alviar, Segundo Alnasan, Serapio Alviar, Augustin Herbosa, Ysidoro Enicela, alias 'Munti,' Isidro Aligpala, José Reyes, and Teodoro Lacerna, alias 'Caluia,' natives, etc., being then and there present, assisting, aiding, abetting, and cooperating in said killing and murdering of the said Honorato Quisumbing. This on or about the 28th day of August, 1900, then, as now, a time of insurrection, at or near Calamba, Laguna Province, Luzon, P. I., a place then, as now, under the military government of the United States."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Eugenio Hervosa, Perfecto Alviar, Segundo Alnasan, Serapio Alviar, Augustin Herbosa, Ysidoro Enicela, alias "Munti," Isidro Aligpala, José Reyes, and Teodoro Lacerna, alias "Caluia," natives, each and severally, "to be hanged by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Eugenio Hervosa, Perfecto Alviar, Segundo Alnasan, Serapio Alviar, Augustin Herbosa, Ysidoro Enicela, alias "Munti," Isidro Aligpala, José Reyes, and Teodoro Lacerna, alias "Caluia," natives, who were jointly tried, it conclusively appears of record that the decedent was a Visayan doing business as a merchant at Santa Cruz and Los Baños; that he was formerly loyal to the Spanish Government and transferred his loyalty, active assistance, and cordial good will to the succeeding Government of the United States; that he never joined, but opposed, the insurrection, and while aiding the United States in all legitimate ways to suppress the same, he yet never descended to the part of a spy or to any means of action contrary to the laws of war. Because of his friendship for, and willingness to aid, the forces of the United States, he was made a marked man, and the order went forth from the insurgent chiefs that he should be secured, dead or alive; and, as the sequel shows, a money reward was offered for his life. It further appears that these accused resided in a barrio of Calamba and were reputed to be a band of "Mandoducats," whose chief office was to kidnap and secretly cause to disappear, beyond all means of their friends to ascertain whether they were living or dead, such men as were reputed to be friends of the Americans or were obnoxious to the insurgent authorities. Among those who mysteriously disappeared was the deceased, and his fate remained a mystery until, by diligent inquiries, suspicion rested upon these accused, who were then arrested and each confessed his part in the crime. From these confessions, separately made, without knowledge of what his fellow had disclosed, and the testimony of four eye-witnesses to many details of the manner in which the crime was committed, it appears, with corroborative unity of relation, that these accused lay in ambush for the deceased, beside a narrow and difficult part of the roadway, when he was passing through the barrio where they habitually live, suddenly set upon him, dragged him from his calisa, gave him stabbing wounds in the side and thigh, hurried him to a banca, and conveyed him by water to the pueblo of Bay, where they

delivered his body, with life practically extinct, to a party of insurrectos waiting for it. A few of their number then returned to Calamba, while others accompanied the decedent's head, which was then severed from his body, to the camp of the insurgent General Cailles in the mountains, where they each received and accepted a sum of money—twenty pesos to some, more to the instigators and leaders.

The sentence, approved by the department commander, is confirmed, and in the cases of Eugenio Hervosa, Perfecto Alviar, Segundo Alnasan, Isidro Aligpala, and Teodoro Lacerna, alias "Caliua," will be duly executed at the pueblo of Calamba, in the province of Laguna, Luzon, P. I., on the (5th) fifth day of April, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

The sentence is commuted in the case of José Reyes to confinement at hard labor for the period of his natural life, and in the cases of Serapio Alviar, Agustin Herbosa, and Ysidoro Enicela, alias "Munti," the sentence is, in each case, commuted to confinement at hard labor for the period of twenty (20) years. As mitigated, the sentence in the cases of José Reyes, Serapio Alviar, Agustin Herbosa, and Ysidoro Enicela, alias "Munti," will be duly executed at the presidio de Manila, to which place these soners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 23, 1901.

General Orders, No. 57.

Before a military commission which convened at San Fernando, province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 230, Headquarters Department of Northern Luzon, December 19, 1900, and of which Lieutenant-Colonel Greenleaf A. Goodale, 3d U. S. Infantry, was president, and Capt. William R. Sample, adjutant, 3d U. S. Infantry, was judge-advocate, was arraigned and tried Isabello del Rosario, native.

CHARGE I.—"Murder."

Specification.—"In that Isabello del Rosario, styling himself a captain of insurgents in the force of one J. Alejandrino, a notorious outlaw, did willfully, feloniously, and with malice aforethought murder and kill Leoncio Torres, a peaceable native of Porac, province of Pampanga, island of Luzon, by procuring and causing said Torres to be buried alive, in his presence, by men acting under his orders. This in the month of April, 1900, at barrio San Rafael, Mexico, province of Pampanga, island of Luzon, a district then, as now, in insurrection against the United States."

CHARGE II.—"Rape."

Specification.—"In that Isabello del Rosario, styling himself a captain of insurgents in the force of one J. Alejandrino, a notorious outlaw, did criminally and brutally assault Maria Mallari, a respectable native woman, residing in barrio Maimpis, San Fernando, province of Pampanga, and by force and violence, and against her will, did ravish and carnally know the said Maria Mallari. This on or about June 1, 1900, in barrio Maimpis, San Fernando, province of Pampanga, island of Luzon, a district then, as now, in insurrection against the United States."

CHARGE III.—"Violation of the laws of war."

Specification 1.—"In that Isabello del Rosario, styling himself a captain of insurgents in the force of one J. Alejandrino, a notorious outlaw, did ill treat and threaten to kill Florentino Pamintuan, a wealthy native of San Fernando, Pampanga, who had been kidnaped, and who was illegally held as a prisoner by said Isabello del Rosario and his companions, and did by threats assist in extorting from said Pamintuan the sum of nine thousand (9,000) dollars, Mexican currency, as a ransom. This between May 19 and June 3, 1900, in the province of Pampanga, island of Luzon, a district then, as now, in insurrection against the United States."

Specification 2.—"In that Isabello del Rosario, styling himself a captain of insurgents in the force of one J. Alejandrino, a notorious outlaw, did, in ordinary native costume, enter the town of San Fernando, Pampanga, occupied by the American forces, and did there act as a secret financial agent of the insurgent government. This on or about June 20, 1900, in San Fernando, Pampanga, island of Luzon, a district then, as now, in insurrection against the United States."

Specification 3.—"In that Isabello del Rosario, styling himself a captain of insurgents in the force of one J. Alejandrino, a notorious outlaw, did command a band of armed men, the members of which, including said del Rosario, did wear no uniform;

but did, under pretext of being insurgent soldiers, commit hostile acts against the United States, and did terrorize, molest, and commit acts of violence against peaceable inhabitants intermittently returning to their houses and ordinary occupations. This between January 1, 1900, and June 25, 1900, in the province of Pampanga, island of Luzon, a district then, as now, in insurrection against the United States."

PLEA.—To the specification, first charge, "not guilty;" to the first charge, "not guilty;" to the specification, second charge, "not guilty;" to the second charge, "not guilty;" to the first specification, third charge, "not guilty;" to the second specification, third charge, "not guilty;" to the third specification, third charge, "guilty, except the words 'commit hostile acts against the United States, and did terrorize, molest, and commit acts of violence against peaceable inhabitants, intermittently returning to their houses and ordinary occupations' and of the excepted words, not guilty;" to the third charge, "not guilty."

FINDINGS.—Of the specification, first charge, "guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the first specification, third charge, "guilty;" of the second specification, third charge, "not guilty;" of the third specification, third charge, "guilty;" of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Isabello del Rosario, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Isabello del Rosario, native, it appears that the accused, while exercising his authority as chief of a band of so-called insurgents, summarily condemned to death by burial alive one Leoncio Torres. His reasons therefor were that decedent was reported to be a horse thief and that two women informed him that he had made inquiries of them regarding the location of the insurgent forces, from which it was inferred he was an American secret-service man.

Many eyewitnesses testify to the horrible details by which a strong man in unabated vigor of life was under the orders and in the personal presence of the accused, with fiendish cruelty, suffocated by the mass of earth heaped upon his prostrate body, in the grave especially prepared for the purpose.

Upon the stand the accused admitted there was no form of trial of his victim; admitted the resistance and protests of the young girl he is charged with carnally knowing, and practically admitted his part in extorting nine thousand pesos from Florentino Pamintuan. He, however, opposes his bare denial to giving the order to kill Torres and his presence at the newly-dug grave when decedent was buried alive, and claimed his subordinate, Eusebio Rojas, did all this unknown to him, and denied also that he persisted to the actual consummation of the rape of the maid. That, however, he did issue the order for and witness the burial alive of the deceased, and that with the aid of two of his soldiers he did consummate the rape there is no doubt.

The inspiration to commit these crimes is convincingly shown by the following general order, which appears of record, issued by the insurgent general commanding in Central Luzon, and under whose orders the accused was serving:

"GENERAL ORDER OF THE CENTER OF LUZON.

"In accordance with my general order of last June, in which all were declared traitors who favored or accepted office of the pretended American civil government, and taking into account also that in order to be an elector or officeholder, there is required beforehand an oath of allegiance and recognition of the American sovereignty, by which those who have taken such oath become by act and right American subjects, and taking into account that the laws of war authorize the confiscation of the property of traitors, and with the precedent that the American army of occupation has seized for its needs property of Filipino subjects, even when the latter had not taken arms against the same; in virtue of the authority conferred upon me, I hereby command: 1st—All who perform official duties or who have materially contributed to the establishment of the pretended American civil government in the territory within my command, if caught, will be punished from a fine not less than one hundred dollars up to the death penalty, by the most summary trial in accordance with the circumstances, and if committed by educated people the guilt will be considered increased. 2d—The property of persons comprised in article 1 will be confiscated for the needs of the Filipino army. 3d—Article 2d will not be enforced in the case of persons who, after a full investigation, may be, in the opinion of the political military governor, capable of being reinstated in their rights by payment of a proper fine and by resigning the office, when the person in question holds office. 4th—The order of seizure of property will be valid even in the case of a sale of the

property mentioned in article 2, the new owners being subject to the same provision. 5th—The political military governor will authorize the chief of columns to make the seizures for the needs of the columns. 6th—When, through lack of forces or through the exigencies of the campaign, it is not possible to occupy the entire province with guerrillas doing police duty, those points where there is property of the persons mentioned in article 1, will be preferably abandoned. 7th—The political military governor will report to this general office the amounts collected for fines, and the property ordered seized, being careful not to cause seizures from those loyal to the cause, and requiring a strict account from the officers authorized to execute them. The political military governors are responsible for the execution of this order.

“Centre of Luzon, September, 1900.

“The Comandante General.

“J. ALEJANDRINO.”

“NOTE.—Received in the office of this column a manuscript copy of this General Order, signed and sealed by the comandante general of the Centre of Luzon, Senor Jose Alejandrino.”

“Camp of San Emilio, October 1, 1900.

(Signed)

“RAMON BLARDONI,

Major, General Staff, Chief of Column.”

Seal, which says “Army of the Filipino Republic, Blardoni Column.”

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Mexico, province of Pampanga, Luzon, P. I., on the 5th day of April, A. D. 1901, under direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,

Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 25, 1901.

General Orders, No. 58.

Before a military commission which convened at Sorsogon, province of Sorsogon, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 203, Headquarters Department of Southern Luzon, November 4, 1900, and of which Major Kelley Anderson, 47th Infantry, U. S. Volunteers, was president, and Captain John G. Livingston, adjutant, 47th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried: Mariano Flores, native.

CHARGE 1.—“Robbery.”

Specification 1.—“In that Mariano Flores, native, on or about April 23, 1900, a time of insurrection, then, as now, against the lawful authority of the United States, in the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of seventy-five, more or less, commanded and led by the said Flores, did feloniously and forcibly take from the presence of Jao Pong Co, Chinaman, a quantity of clothing and money, value not known, the property of said Jao Pong Co. This at the pueblo of Irocin, province of Sorsogon, in the Island of Luzon, P. I., on or about April 23, 1900.”

Specification 2.—“In that he, Mariano Flores, native, on or about April 23, 1900, a time of insurrection then, as now, against the lawful authority of the United States, in the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws, to the number of seventy-five, more or less, commanded and led by the said Flores, did feloniously and forcibly take from the presence of Jao Tog Co, Chinaman, a quantity of clothing and money, value not known, the property of the said Jao Tog Co. This at the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., on or about April 23, 1900.”

Specification 3.—“In that he, Mariano Flores, native, on or about April 23, 1900, a time of insurrection then, as now, against the lawful authority of the United States, in the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws, to the number of seventy-five, more or less, commanded and led by the said Flores, did feloniously and forcibly take from the

presence of Iyo Choo Co, Chinaman, a quantity of clothing and money, value not known, the property of the said Iyo Choo Co. This at the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., on or about April 23, 1900."

CHARGE II.—"Murder."

Specification.—"In that he, Mariano Flores, native, on or about April 23, 1900, a time of insurrection then, as now, against the lawful authority of the United States, in the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., a place then, as now, in the theater of military operations, in company of and consorting with a band of armed outlaws, to the number of seventy-five, more or less, commanded and led by the said Mariano Flores, he, Mariano Flores being present, aiding and abetting, did feloniously, and with malice aforethought, kill and murder certain persons, Chinamen, to-wit, Tan Yen, Tan Kong, Iu Chah, For Hong, and Sin Hoy, by stabbing them and cutting them, the said Chinamen, with bolos held in the hands of members of said band, names unknown, inflicting wounds therewith whereof the said Tan Yen, Tan Kong, Iu Chah, For Hong, and Sin Hoy did each of them, then and there, die. This at the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., on or about April 23, 1900."

CHARGE III.—"Guerrilla warfare, in violation of the Laws of War."

Specification.—"In that he, Mariano Flores, native, at various times during the months of March, April, May, June, July, August, September, and October, 1900, then, as now, a time of insurrection against the lawful authority of the United States, at his camp near Bulusan, province of Sorsogon, Island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with and commanding a band of armed outlaws, to the number of seventy-five, more or less, armed with rifles and bolos, did send out sporadic expeditions of ununiformed and armed outlaws in and about the suburbs and vicinity of the pueblo of Irocin, province of Sorsogon, island of Luzon, P. I., whereby Tan Yen, Tan Kong, Iu Chah, For Hong, and Sin Hoy were put to death, and many people, including Jao Pong, Jao Tog Co, Iyo Choo Co, Prudensio Galapia, Pedro de la Vega Narega, and several others, all living in the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., were feloniously, forcibly, and against their wills, taken prisoners to said camp and there held as such for one month, more or less. This at Bulusan, province of Sorsogon, Island of Luzon, P. I., during the months of March, April, May, June, July, August, September, and October, 1900."

CHARGE IV.—"Assault with intent to kill."

Specification.—"In that he, Mariano Flores, native, on or about April 23, 1900, then, as now, a time of insurrection, at the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of outlaws, commanded and led by the said Mariano Flores, did make a violent assault upon one Jao Pong Co, a Chinaman, and resident of the said pueblo of Irocin, by then and there striking and cutting said Jao Pong Co with a knife, held in the hands of parties, members of said band, names unknown, and then and there inflicting upon the said Jao Pong Co divers cuts and wounds, with intent then and there, feloniously, willfully, and with malice aforethought, to kill said Jao Pong Co, and that from such divers cuts and wounds, the said Jao Pong Co lost his left arm and left eye, he, the said Mariano Flores, being present, aiding, abetting, and encouraging these acts. This at the pueblo of Irocin, province of Sorsogon, Island of Luzon, P. I., on or about April 23, 1900."

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty;" of the third specification, first charge, "guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty, except as to the name 'For Hong,' substituting the name 'Jao Jung Co' and of the excepted words not guilty and of the substituted words guilty;" of the second charge, "guilty;" of the specification, third charge, "guilty;" of the third charge, "guilty;" of the specification, fourth charge, "guilty;" of the fourth charge, guilty."

SENTENCE.—And the commission does therefore sentence him, Mariano Flores, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the commission concurring therein."

In the foregoing case it appears that the accused, Mariano Flores, native, in command of over sixty men, armed with bolos, daggers, and rifles, made a piratical raid upon the pueblo of Irocin, province of Sorsogon, Island of Luzon, with no higher motive than the robbery of peaceful Chinese merchants; that they were in sufficient force to accomplish this crime without necessity of destruction of life; that no opposition met them on the part of the victims, yet, nevertheless, they, from pure wantonness, hacked to death three inoffensive Chinamen, assaulted another so murderously

as to cause him to lose his left eye and left arm, and carried off to hold for ransom three Chinamen, one native, and one Spaniard; and did, in fact, extort from at least three of them heavy ransoms, under threats of death.

The accused was in command of the band and personally ordered the consummation of these crimes in his presence, being armed himself with a knife and a revolver, and personally received payment of the ransom of one prisoner.

The evidence of his six living victims is positive, direct, and corroborative as to every detail in the commission of these crimes; and against their unimpeached and convincing testimony the accused merely opposed his unsupported statement that he knew nothing of what happened because he was in charge of the insurgent prison in Bulusan "all the time." There is a failure of proof of the killing of Tan Yen and Tan Kong; and the finding of the commission in so far as it relates to the guilt of the accused for taking the lives of these men is disapproved.

The crimes of which the accused stands convicted, beyond a reasonable doubt, are of such moral turpitude that they leave no grounds for the exercise of clemency.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Sorsogon, province of Sorsogon, Luzon, P. I., on the twenty-sixth (26th) day of April, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 27, 1901.

General Orders, No. 59.

Before a military commission which convened at Iloilo, Panay, P. I., pursuant to Paragraph II, Special Orders, No. 2, Headquarters Department of the Visayas, January 3, 1901, and of which Lieut. Col. Charles J. Crane, Thirty-eighth Infantry U. S. Volunteers, was president, and Capt. Edwin F. Glenn, Twenty-fifth U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Glicerio Villandres, Jacinto Gabona, and Victoriano Lastamoso, and Damaso Javelina, natives.

CHARGE.—"Murder."

Specification.—"In that on or about the 14th day of December, A. D. 1900, then, as now, a time of insurrection against the United States at the pueblo of Jaro, province of Iloilo, island of Panay, of the Philippine Islands, a place then, as now, a part of the territory of the United States and under its military government, Glicerio Villandres, Jacinto Gabona, Victoriano Lastamoso, natives, did feloniously, willfully, and with malice aforethought kill and murder one Juan Crisostomo Benedicto by then and there cutting and stabbing the said Juan Crisostomo Benedicto with bolos held in the hands of the said Glicerio Villandres, Jacinto Gabona, and Victoriano Lastamoso, then and there inflicting various and divers wounds upon the head and body of the said Juan Crisostomo Benedicto, one of which said wounds so inflicted as aforesaid, to wit, on the back part of the head of the said Juan Crisostomo Benedicto, was mortal, and from which said wounds so inflicted as aforesaid the said Juan Crisostomo Benedicto then and there died; and the said Damaso Javelina, before committing the said felony and murder in manner and form as aforesaid, to wit, on or about the 8th day of December, A. D. 1900, did maliciously, feloniously, and with malice aforethought incite, move, procure, counsel, hire, and command the said Glicerio Villandres, Jacinto Gabona, and Victoriano Lastamoso to kill and murder the said Juan Crisostomo Benedicto in manner and form as aforesaid."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Glicerio Villandres, Jacinto Gabona, Victoriano Lastamoso, and Damaso Javelina, and each of them, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring in the death sentence imposed."

In the foregoing case of Glicerio Villandres, Jacinto Gabona, Victoriano Lastamoso, and Damaso Javelina, natives, the department commander, in approving the sentence, remarked as follows:

"From the record in this case it appears that Juan Crisostomo Benedicto, an unoffending, law-abiding citizen of the pueblo of Jaro, had left his home for the purpose of calling on some friends in the pueblo; that when he returned to his house and gave the usual alarm at the front door, this alarm was answered by his servant, Gle-

cerio Villandres, who took the bicycle from his master's hand; who, following him inside of the house, was immediately assaulted by Jacinto Gabona and Victoriano Lastamoso with bolos, and that as soon as Glecerio Villandres could dispose of his bicycle he immediately joined in the attack upon his employer with a bolo that he had taken from the kitchen table, and the three of them then and there assassinated the deceased upon the threshold of his own house, the fatal blow having been given by his own 'muchacho;' and that all of these, before assaulting him, were or had been employed by the deceased or members of his household.

"It appears that the money, watch, and other jewelry upon the person of the deceased was left intact, and further that there was no reason for any animus in the breasts of any of these assassins for the killing of the deceased. It does appear, however, that the fourth accused, Damaso Javelina, was a member of an association known as 'Ducots,' and further that the object of this society was to assassinate certain persons designated by it who consciously or unconsciously became the subject of their edicts, and that previous to the assassination of the deceased, at a meeting of this society in the pueblo of Jaro, which meeting was attended by the chief of this society and by the accused, Damaso Javelina, it was decided that the deceased should be killed, and that thereafter this chief sent and caused to be delivered to Damaso Javelina, twenty dollars (\$20) in Mexican money, and also a pistol loaded with five cartridges. That before the assassination twenty dollars (\$20) in Mexican currency was actually turned over by this Damaso Javelina to the other three accused who actually assassinated the deceased."

The society of "Ducots" to which the accused Damaso Javelina belonged is known in other localities as "Mandoducats," and organized to kill so-called "American spies," extends to the assassination of all natives friendly to the Americans. Deciding the deceased to be one of these, his death was formally determined upon. Damaso Javelina was chosen as the agent to undertake his assassination and he corrupted, procured and hired the domestic servants of deceased to consummate the deed.

A more treacherous crime it would be difficult to conceive. The instruments employed were those holding positions of confidence within the home circle of the victim, who was under the protection of and in the near presence of the American troops and hence oblivious to any apprehensions of danger. The audacity and base nature that actuated these accused brand them as the lowest order of criminals—those who kill for hire, and in this instance for so small a sum each that an honest man might win it with a day's toil.

With such men the laws of civilization can have no compromise; to all kinds and classes of banditti the warning is given that all persons who, like the accused, take human life for hire, the laws designed to secure life and property and to maintain justice between man and man, now in force in these islands require that the price they receive for their bloody trade shall be the price by which they also under the law forfeit their own lives.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Jaro, province of Iloilo, Panay, P. I., on the thirty-first (31st) day of May, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

II. Emiliano Glovera, a native.

CHARGE.—"Murder."

Specification.—"In that on or about the 14th day of December, A. D. 1900, then, as now, a time of insurrection against the United States at the pueblo of Jaro, Province of Iloilo, Island of Panay, of the Philippine Islands, a place then, as now, a part of the territory of the United States and under its military government, one Emiliano Glovera, in company of Glecerio Villandres, Jacinto Gabona, and Victoriano Lastamoso, natives, did feloniously, willfully and with malice aforethought, kill and murder one Juan Crisostomo Benedicto by then and there cutting and stabbing the said Juan Crisostomo Benedicto with bolos held in the hands of the aforesaid natives, then and there inflicting various and divers wounds upon the head and body of the said Juan Crisostomo Benedicto, one of which said wounds so inflicted as aforesaid, to-wit: on the back part of the head of the said Juan Crisostomo Benedicto was mortal and from which said wound so inflicted as aforesaid, the said Juan Crisostomo Benedicto then and there died.

PLEA.—"Guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Emiliano Glovera, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years."

In the foregoing case it appears that the accused, Emiliano Glovera, a native, pleaded guilty to the charge and specification, and sentence was passed upon him

without any evidence being taken to ascertain the degree of his culpability or guilt. This was error, and would have been sufficient to vitiate the proceedings did it not appear that all of the facts and circumstances connected with the crime were officially known to the commission through the trial, before it, of other perpetrators of the same offense. This being true, no substantial right of the accused was affected by the error and it stands as a technical defect only, a defect, however, which should be studiously avoided. From the preliminary statements of the case by the judge-advocate, apparently assented to by counsel for the defense, it appears that the accused had been notified of the place that had been agreed upon for the assassination of Juan Crisostomo Benedicto and that he acted in conformity therewith by secreting himself in the house of deceased at the hour agreed upon by his associates in crime and that he was actually present at the consummation thereof. He, however, was less active than were the other participants and he has testified openly and frankly as to his and their part in the consummation of the crime.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 27, 1901.

General Orders, No. 60.

Before a military commission which convened at Iloilo, island of Panay, P. I., pursuant to Paragraph 11, Special Orders, No. 2, headquarters, Department of the Visayas, January 3, 1901, and of which Lieutenant Colonel Charles J. Crane, 38th Infantry, U. S. Volunteers, was president, and Captain Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried: Fortunato Pillores, a native.

CHARGE.—“Murder.”

Specification.—“In that on or about the 17th day of July, A. D. 1900, then, as now, a time of insurrection, at or near the barrio of Pansanga-an, in the province of Iloilo, Island of Panay, Philippine Islands, a place then, as now, a part of the territory of the United States and under its military government, one Fortunato Pillores, a native, in company of and consorting with a band of armed outlaws, to the number of five (5), more or less, did feloniously, willfully and with malice aforethought, murder and kill one Roberto Omiano by then and there shooting the said Roberto Omiano with rifles held in the hands of the said Fortunato Pillores and members of said band, and which said rifles were loaded with powder and balls, then and there inflicting upon the said Roberto Omiano a mortal wound, from which said wound he, the said Roberto Omiano, then and there died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Fortunato Pillores, “To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring in the sentence of death imposed.”

In the foregoing case of Fortunato Pillores, it appears that the accused was a member of an armed band of outlaws, which, on the 17th day of July, 1900, entered the barrio of Pansanga-an, invaded the house of one Felis Gavara, where they demanded money and carabao. Failing to get these, they beat him brutally with their guns and proceeded to the house of deceased, whom they shot to death on his raising an alarm.

Ignoring the evidence introduced with respect to a confession made by the accused prior to his trial and which confession was, evidently, not voluntary and therefore of no legal value, and giving weight only to the evidence of eye witnesses and of those in the vicinity of the crime, there remains no reasonable doubt of the guilt of the accused in the manner and form as charged.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor during the period of his natural life; and, as thus commuted, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major General MacArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 27, 1901.

General Orders, No. 61.

Before a military commission which convened at Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 234, Headquarters Department of Northern Luzon, December 23, 1900, and of which Maj. Charles L. Hodges, Seventeenth U. S. Infantry, was president, and Second Lieut. John R. Thomas, jr., Seventeenth U. S. Infantry, was judge-advocate, was arraigned and tried Matias Alipio, native.

CHARGE—"Murder."

Specification.—"In that he, Matias Alipio, native, resident of the province of Pangasinan, island of Luzon, P. I., on or about December 10, 1899, then, as now, a time of insurrection, at or near the barrio of Mapandel, pueblo of Mangatarem, province and island aforesaid, a place then, as now, in the theater of active military operations of the armed forces of the United States, did willfully, feloniously, and with malice aforethought kill and murder two American soldiers, names unknown, who were held at that time as prisoners by the armed forces of the insurgents, by cutting them, the said American soldiers, with deadly weapons, commonly called 'bolos,' therewith inflicting wounds whereof the said two Americans, soldiers, then and there died. This at the time and place above specified."

PLEA—"Guilty, because I was ordered to do it."

FINDING—"Guilty."

SENTENCE—"And the commission does therefore sentence him, Matias Alipio, 'to be hung by the neck until he is dead, at such place and time as the reviewing authority may direct,' two-thirds of the members concurring therein."

In the foregoing case it appears that the accused pleaded "Guilty, because I was ordered to do it," which qualified plea the commission accepted. This was error. Although the fact that the accused was ordered to commit a crime does not necessarily exculpate him, certain forms of duress, the character of compulsion which may have been exercised over him, might tend to mitigation of his offense. Testimony on behalf of the defense, however, was heard, and the error of accepting his plea and failure to hear proof of the prosecution was, to an extent, cured. It can not be said that a substantial right of the accused has been prejudicially affected.

Meager details offered for review can never be satisfactory to the reviewing authority, and in this instance has moved the department commander, in approving the sentence, to recommend a commutation thereof.

The sentence is confirmed, but is commuted to imprisonment at hard labor for the term of his natural life. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major General MacArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES.

Manila, P. I., March 29, 1901.

General Orders, No. 62.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220, Headquarters Department of Northern Luzon, December 8, 1900, and of which Major Joseph W. Duncan, 13th U. S. Infantry, was president and 1st Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, were arraigned and tried Marcelo Alfonso, Vicente Magpale, and Faustino Mago, natives.

CHARGE I.—"Assault and battery with intent to kill."

Specification.—"In that Marcelo Alfonso, Vicente Magpale, and Faustino Mago, natives, and each of them, in company of and consorting with armed outlaws to the number of thirty, more or less, did, in time of insurrection, enter the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations, and did unlawfully and feloniously seize and conduct therefrom, with intent to kill, Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Sabarboro, and Dolores Dingli, natives, lawfully residing in said barrio." "This at the place specified at about 10 o'clock p. m., February 17, 1900."

CHARGE II.—"Murder."

Specification 1.—"In that they, Marcelo Alfonso, Vicente Magpale, and Faustino Mago, natives, and each of them, in company of and consorting with armed outlaws, to the number of thirty, more or less, did willfully, feloniously, and with malice

aforethought murder and kill Roman Docosin, Maximino Tabaldo, Severino Prado and Maximino Sabarboro, by shooting them, the said Docosin, Tabaldo, Prado, and Sabarboro with guns, and stabbing them, the said Docosin, Tabaldo, Prado, and Sabarboro, with bolos held in the hands of the said Alfonso, Magpale, and Mago, and of the said outlaws, inflicting wounds therewith whereof they, the said Docosin, Tabaldo, Prado, and Sabarboro then and there died."

"This in time of insurrection, on or about February 17, 1900, at or near the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations."

Specification 2.—"In that Marcelo Alfonso, Vicente Magpale, and Faustino Mago, natives, and each of them, in company of and consorting with armed outlaws, to the number of seventy, more or less, did willfully, feloniously, and with malice aforethought murder and kill Cirapion Altre, Leonardo Victoria, Mariano Catama, Augustine Opino, Gregorio Rivera, and Gervacio Ancheta, by cutting them with bolos held in the hands of said Alfonso, Magpale, and Mago, and the said outlaws, inflicting wounds therewith whereof the said Altre, Victoria, Catama, Opino, Rivera, and Ancheta then and there died."

"This in time then, as now, of insurrection, at about 11.30 p. m., on or about the 13th day of November, 1899, at or near Cocalditen, a barrio of Asingan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations."

PLEAS.—"Not guilty."

FINDINGS.—Marcelo Alfonso and Faustino Mago: Of the specification, first charge, "guilty." Of the first charge, "guilty." Of the first specification, second charge, "guilty, except the words, 'shooting them, the said Docosin, Tabaldo, Prado, and Sabarboro with guns and,' and of the excepted words, not guilty." Of the second specification, second charge, "guilty." Of the second charge, "guilty."

Vicente Magpale: Of the specification, first charge, "not guilty." Of the first charge, "not guilty." Of the first specification, second charge, "not guilty." Of the second specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Marcelo Alfonso, Vicente Magpale, and Faustino Mago, natives, and each of them "to be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Marcelo Alfonso, Vicente Magpale, and Faustino Mago, it appears of record that these accused were members of a band of ladrones armed with bolos, that entered the barrio of Namipitan at night and, seizing and binding four men and one woman, with threats and blows with their bolos drove them from their homes into the woods, where three days later the decaying bodies of the men were found shockingly mutilated with bolo wounds. The fate of the woman remains a mystery. It also appears that this band, including all these accused, suddenly appeared at night time in the barrio of Cocalditen and there seized the presidente and other principal citizens of the pueblo of Asingan, bound them, wounded them with bolos, and took them away captive.

In the first instance robbery appears as an incidental feature to the wanton slaughter of four law-abiding men. In the second instance the principal men of Asingan had sought refuge in the barrio of Cocalditen from the approaching American troops and the fear of consequences of their attacking the insurgent forces at Asingan. These men had been in authority, and, in the exercise thereof, had apparently given offense to this outlaw band, which now embraced its opportunity to inflict vengeance upon them in their helplessness.

The operations of the band clearly indicate their intention to substitute their reign of terror for all semblance of lawful authority, and were conducted in such wanton and savage spirit as to place its members beyond the just limits for the exercise of mercy.

That these accused are guilty as charged and found by the commission there is no reasonable doubt.

The sentence, approved by the department commander, is confirmed, but, upon his recommendation, is commuted, in the case of Marcelo Alfonso, to confinement at hard labor for the period of twenty (20) years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place this prisoner will be sent under proper guard.

The sentence in the cases of Vicente Magpale and Faustino Mago will be duly executed at the pueblo of Binalonan, province of Pangasinan, island of Luzon, P. I., on the twelfth (12th) day of April, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 10, 1901.

General Orders, No. 67.

Before a military commission which convened at Vigan, province of Ilocos Sur, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 9, Headquarters Department of Northern Luzon, January 10, 1901, and of which Lieutenant Colonel Robert L. Howze, 34th Infantry, U. S. Volunteers, was president, and 1st Lieutenant Harold P. Howard, 3d U. S. Cavalry, was judge advocate, were arraigned and tried: Luis Plana, Lazaro Reg, Eulogio Rebodan and Severino Reboldela, natives.

CHARGE.—“Murder.”

Specification.—“In that Luis Plana, Lazaro Reg, Eulogio Rebodan and Severino Reboldela, natives, did kill and murder one Luis Flores, a native, by striking and stabbing him, the said Luis Flores, with bolos or other sharp instruments held in the hands of said Lazaro Reg, Eulogio Rebodan and Severino Reboldela, inflicting wounds therewith whereof he, the said Luis Flores, then and there died. This in or about the month of August, 1900, then, as now, a time of insurrection; at or near the barrio of Paratong, pueblo of Santa Catalina, Ilocos Sur, Luzon, P. I., a place then, as now, under the military government of the United States.”

PLEAS.—Of Luis Plana, Eulogio Rebodan and Severino Reboldela, “not guilty.” Of Lazaro Reg, “guilty.”

FINDINGS.—Luis Plana and Lazaro Reg, “guilty.” Eulogio Rebodan and Severino Reboldela, of the specification, “guilty, except the words ‘and murder,’ and of the excepted words not guilty.” Of the charge, “Not guilty of murder but guilty of manslaughter.”

SENTENCE.—And the commission does therefore sentence them, Luis Plana and Lazaro Reg, and each of them, “to be hanged by the neck until they, and each of them, are dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

And the commission does therefore sentence them, Eulogio Rebodan and Severino Reboldela, and each of them, “To be confined at hard labor, at such place as the reviewing authority may direct, for thirty (30) years.”

In the foregoing case it appears that the accused, Luis Plana, was a captain or “Jefe principal” of a band of outlaws known as the “Sandatahans,” the members of which were bound together by an oath to collect contributions for the insurgents and to kill all who did not obey the orders of its chiefs. In pursuance of the band’s methods one Luis Flores, in August, 1900, at the barrio of Paratong, Santa Catalina, was delivered, bound, by Luis Plana, to the three accused, Lazaro Reg, Eulogio Rebodan and Severino Reboldela, with orders to take out the victim to a spot near the sea and kill him. The order was executed by the three accused last named, each stabbing deceased with sabres and daggers, at the brink of a grave in an isolated spot selected for his interment, and in which grave the victim was immediately thereafter buried.

The legal guilt of all of these accused seems of equal degree, and it is believed their punishment should be of equal extent.

The sentences, approved by the Department Commander, are confirmed, but, upon his recommendation, are, in the cases of Luis Plana and Lazaro Reg, commuted to imprisonment at hard labor for the period of thirty (30) years. As thus mitigated, their sentence, and that of Eulogio Rebodan and Severino Reboldela, will be duly executed at the Presidio de Manila, to which place they, and each of them, will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 10, 1901.

General Orders, No. 68.

Before a military commission which convened at Urdaneta, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220, Headquarters Department of Northern Luzon, December 8, 1900, and of which Major Joseph W. Duncan, 13th U. S. Infantry, was president, and First Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, were arraigned and tried Marcelo Quiming, Marcos Lafuente, and Alberto Lafuente, natives.

CHARGE.—“Murder.”

Specification.—"In that they, Marcelo Quiming, Marcos Lafuente, and Alberto Lafuente, in company of, and consorting with, armed outlaws to the number of five, more or less, did, willfully, feloniously, and with malice aforethought, kill and murder Marcelo Martinez, native, by cutting and stabbing him, the said Martinez, with bolos held in the hands of the said Marcelo Quiming, Marcos Lafuente, and Alberto Lafuente, and of the said outlaws, whereof he, the said Marcelo Martinez, did then and there die. This, in the time of insurrection, on or about September 26, 1900, at or near the barrio of Camanang, pueblo of Urdaneta, province of Pangasinan, Luzon, P. I., a place then, as now, in the theater of military operations."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Marcelo Quiming, Marcos Lafuente, and Alberto Lafuente, natives, and each of them, "To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case it appears that the accused, Marcelo Quiming, Marcos Lafuente, and Alberto Lafuente, seized and bound one Marcelo Martinez, who was fishing from the Camanang River near the barrio of Camanang. A few days later the mutilated body of Martinez was found in the near vicinity, hacked with bolos, covered with lacerated and contused cuts, fractures, and bruises, nine in number, five of which were each sufficient to cause death. In addition, a cord was tied very tightly around the neck with a free part several inches in length and indicating a part had been cut away. Against the testimony connecting these accused with this crime they offer no denial or explanation, but rest their defense on the proposition that no eyewitness of the actual killing has testified against them, and that the worst which has been proven against them is kidnaping, which is not charged. The presumption rising from the forcible seizure of deceased, and the subsequent discovery of his body cruelly murdered, is more convincing and of a higher order than that class of direct testimony springing from human fallibility and human frailties—passions or animosities. In criminal jurisprudence it is well established that the judiciary must act upon presumptive proof or leave the most secret, and among them some of the worst, crimes unpunished.

Hère a dead and mutilated body is found with wounds, fractures, and methods of strangulation which exclude any inference of accident or suicide. Direct evidence of death and irresistible proof of violence, the latter the cause, the former the effect, both obvious and certain, established the existence of the criminal act. Add to this fact that these accused were seen to unlawfully seize and bind the deceased but three days previously, since which time he has not been seen alive, and the presumption of their guilt overcomes all reasonable doubt.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, is commuted, in the cases of Marcelo Quiming and Marcos Lafuente to confinement at hard labor for the period of their natural lives, and the sentence in the case of Alberto Lafuente is commuted to confinement at hard labor for the period of twenty years. As thus commuted, the sentences will be duly executed at the Presidio de Manila, to which place these prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 10, 1901.

General Orders, No. 69.

Before a military commission which convened at Santa Maria de Pandi, Bulacan Province, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 53, Headquarters Department of Northern Luzon, June 15, 1900, and of which Major William L. Geary, 35th Infantry, U. S. Volunteers, was president, and 1st Lieutenant Alvin C. Voris, battalion adjutant, 35th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Pablo de Leon, a native.

CHARGE.—"Kidnaping."

Specification.—"In that Pablo de Leon, a native, in company of and consorting with a band of armed outlaws to the number of eight, more or less, in time of insurrection, at the sitio of Patag, pueblo of Santa Maria de Pandi, province of Bulacan, Luzon, P. I., a place then, as now, in the theater of military operations, did feloniously and forcibly seize and conduct therefrom, against his will, one Juan de Vera, a native

lawfully residing at said sitio, and did turn over the said Juan de Vera to a party of insurgents, by whom the said Juan de Vera was assassinated. This at the above specified place at or about 10 p. m., September 25, 1900."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Pablo de Leon, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

In the foregoing case it appears that the accused, Pablo de Leon, took up temporary quarters within the lines of the American forces at Santa Maria de Pandi, Bulacan, as an agent of the insurgent forces under Lieutenant Colonel Bonifacio Morales, with the special purpose of ascertaining and capturing those natives who exhibited friendliness to the Americans. Pursuant to this purpose, he, on September 25, 1900, at 10 o'clock at night, accompanied by a band of eight armed insurgent soldiers, repaired to the house of one Juan de Vera, in the sitio of Patag, took him from his home and family, conveyed him to Bajay-Pari and delivered him to Lieutenant-Colonel Morales, of the insurgent forces, who caused him to be summarily executed by decapitation. From these facts springs a strong presumption of the guilt of accused as a principal in the murder, but, as he was not charged with this crime, the commission had no power to pass upon it. Of his full acquiescence and willing guilt of the crime charged there can arise no reasonable doubt from the very complete evidence presented in the case.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 12, 1901.

General Orders, No. 71.

Before a military commission which convened at Misamis, island of Mindano, P. I., pursuant to paragraph 1, Special Orders, No. 12, Headquarters Department of Mindanao and Jolo, January 22, 1901, and of which Major Michael M. McNamee, 40th Infantry, U. S. Volunteers, was president, and 1st Lieutenant Charles C. Pulis, 40th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried: Ubaldo Leonardo, Julio Boras, Engratio Demanjog, Luciano Ramonal, Ermonjenis Mansa, and Potenciano Nery, natives.

CHARGE I.—"Abduction with intent to do bodily injury."

Specification.—"In that Ubaldo Leonardo, Julio Boras, Engratio Demanjog, Luciano Ramonal, Alejo Dalid, Ermonjenis Mansa, Potenciano Nery and Dimas Engratio, native Filipinos, did consort together and connive at the capture of Bonifacio Dajos, a native Filipino and a sergeant of police of Misamis, and did, unlawfully, by force and with intent to do bodily harm, abduct and carry away the said Bonifacio Dajos from the barrio of Taboc, pueblo of Misamis, Mindanao, P. I., in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the authority of the United States, and did take him, the said Bonifacio Dajos, bound and gagged, to the barrio of Manincal and to the house of Ubaldo Leonardo, a so-called captain of insurgents, and the leader in the plot to abduct. This at the barrio of Taboc, pueblo of Misamis, Mindanao, P. I., about 7 o'clock p. m., November 27, 1900."

CHARGE II.—"Murder."

Specification.—"In that Ubaldo Leonardo, Julio Boras, Engratio Demanjog, Luciano Ramonal, Alejo Dalid, Ermonjenis Mansa, Potenciano Nery, and Dimas Engratio, native Filipinos, did consort together at the house of Ubaldo Leonardo, barrio of Manincal, pueblo of Misamis, Mindanao, P. I., about the person of Bonifacio Dajos, whom they had captured and bound, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the authority of the United States, and did unlawfully, feloniously, and with malice aforethought, murder and kill the said Bonifacio Dajos, by striking him in the mouth and the side of the body with a gun in the hands of Ubaldo Leonardo, and by stabbing him in the neck with a dagger or knife in the hands of Ubaldo Leonardo, and by stabbing him in the body with daggers or knives in the hands of Dimas Engratio and Julio Boras,

respectively. This at or near the barrio of Manincal, pueblo of Misamis, Mindanao, P. I., on the evening of November 27, 1900."

PLEAS.—"Not guilty."

FINDINGS.—Ubaldo Leonardo and Julio Boras, "guilty." Engratio Demanjog, Luciano Ramonal, Ermonjenis Mansa, and Potenciano Nery: Of the first charge and its specification, "guilty." Of the second charge and its specification, "not guilty."

SENTENCE.—And the commission does therefore sentence them, Ubaldo Leonardo and Julio Boras, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

And the commission does therefore sentence them, Engratio Demanjog and Luciano Ramonal, "To be confined at hard labor for twenty (20) years, at such place as the reviewing authority may direct."

And the commission does therefore sentence him, Potenciano Nery, "To be confined at hard labor for twelve (12) years, at such place as the reviewing authority may direct."

And the commission does therefore sentence him, Ermonjenis Mansa, to be confined at hard labor for ten (10) years, at such place as the reviewing authority may direct."

In the foregoing case of Ubaldo Leonardo, Julio Boras, Engratio Demanjog, Luciano Ramonal, Ermonjenis Mansa, and Potenciano Nery, natives, who were jointly tried, it appears of record that these accused, armed with guns and bolos, entered the pueblo of Misamis, and, seizing a policeman of that place, carried him away by force to the house of one of these accused, where they tied him to a post and brutally beat him with a gun. The band then took their victim out upon the highway, a short distance from Misamis, where they inflicted several fatal bolo wounds upon his body and left it lying lifeless upon the road with a paper pinned to the breast bearing the inscription: "Countrymen, don't imitate me, for I am an Americanista and have talked with the Americans." The evidence of many witnesses, fully corroborated by one of these accused from the witness stand, leaves no reasonable doubt that, as principals, they are all guilty of murder. With respect to four of these accused the commission has found otherwise, but confirms against these the charge of "Abduction with intent to do bodily injury."

In the pleadings, the word "abduction" is used as equivalent to kidnaping and the finding to that effect has received the approval of the department commander, whose action in the premises is confirmed. But all concerned are reminded that the crime described is specifically designated by the term "kidnaping," which should, in all like cases, be employed.

The sentences as approved are confirmed, and in the cases of Ubaldo Leonardo and Julio Boras will be duly executed at the pueblo of Misamis, island of Mindanao, on the seventeenth (17th) day of May, A. D. 1901, under direction of the commanding general, Department of Mindanao and Jolo.

In the case of Ermonjenis Mansa, approved and published by the department commander, and the cases of Engratio Demanjog, Luciano Ramonal, and Potenciano Nery, the Presidio de Manila is designated as the place of execution of their sentences, to which place they will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 20, 1901.

General Orders, No. 74.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Captain Harry C. Benson, 4th U. S. Cavalry, was president, and 2d Lieutenant Sylvester Bonnaffon, 13th U. S. Infantry, was judge-advocate, were arraigned and tried: Diego Salcedo, Manuel Martin, and Pascual Martin, natives.

CHARGE.—"Murder." Specification: "In that Diego Salcedo, Manuel Martin, and Pascual Martin, natives, and each of them, did willfully, feloniously, and with malice aforethought, kill and murder Private Henry L. Schafer, Company L, 17th Infantry, an American soldier, by striking said Schafer one or more times with a bolo held in the hands of the hereinbefore-named natives, inflicting wounds therewith, whereof the said Schafer then and there died; the said Diego Salcedo, Manuel Martin, and Pascual Martin, each and all of them, being then and there present. This at or near

the barrio of Bonbon, second, town of Camiling, province of Tarlac, a place under the military authority of the United States, on or about October 6, 1900, a time of insurrection."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Diego Salcedo, Manuel Martin, and Pascual Martin, natives, and each of them, "to be hanged by the neck until each of them be dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case, the sentences which were approved by the department commander the 25th day of March, 1901, are confirmed, but as to each of the accused, Diego Salcedo and Manuel Martin, is commuted to confinement at hard labor for the period of his natural life; and as to Pascual Martin, it is commuted to confinement at hard labor for the period of twenty years. As thus mitigated, the sentences will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 22, 1901.

General Orders, No. 76.

Before a military commission which convened at Nueva Caceres, Province of Camarines Sur, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 8, Headquarters Department of Southern Luzon, January 8, 1901, and of which Lieutenant Colonel Almond B. Wells, 9th U. S. Cavalry, was president, and First Lieutenant James A. Ryan, 9th U. S. Cavalry, was judge-advocate, was arraigned and tried: Teborcio Mabola, a native.

CHARGE I.—"Assault with intent to commit murder." Specification.—"In that Teborcio Mabola, native, in company of, and consorting with a band of armed outlaws, numbers and names unknown, did willfully, feloniously, and with malice aforethought, attempt to kill and murder one Basilio Samudio, by striking him with bolos held in the hands of members of said band, inflicting therewith painful and dangerous wounds on the person of said Basilio Samudio." "This on or about November 10, 1900, then, as now, a time of insurrection, at or near the village of Pamoke, barrio of San Fernando, Camarines Sur, Luzon, P. I., a place now, as then, under the military authority of the United States.

CHARGE II.—"Murder." Specification.—"In that Teborcio Mabola, native, in company of and consorting with a band of outlaws, number and names unknown, did willfully, feloniously, and with malice aforethought, kill and murder one Simon Saleste, a policeman of San Fernando, P. I., by cutting off his head with a bolo, held in the hands of members of said band." "This on or about November 10, 1900, then, as now, a time of insurrection, at or near the village of Pamoke, barrio of San Fernando, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Teborcio Mabola, native, "To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Teborcio Mabola, native, it appears from the record that the accused belonged to a band of men armed with bolos and clubs, that secretly assembled within the territory occupied by American troops and, watching its opportunity, attacked a party of four native policemen, who had been sent by the presidente of San Fernando to obtain wood for the use of a detachment of said troops; that they killed one of the policemen outright, and pursued the three other men as they fled for their lives, and inflicted upon one of them wounds in consequence of which he lost an arm.

The friendly services being rendered the American troops appear as the evident motive for this murder. Such savage and inhuman methods of unlawful partisan warfare fall under the condemnation of all law—and, under the laws of war and military government, all who so offend are subject to the penalty of death.

The accused does not, however, appear as an instigator of or eager participant in

this crime. While his presence as one of the band brings him under the condemnation of the law, the reviewing authority nevertheless is inclined to give weight to the impression that his presence was more from duress than from a willful and malicious motive.

The sentence, approved by the department commander, is confirmed, but is commuted to confinement at hard labor for the period of twenty years. As thus commuted, the sentence will be duly executed. The Presidio de Manila is designated as the place of confinement, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 22, 1901.

General Orders, No. 77.

Before a military commission which convened at San Fernando, Province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 230, Headquarters Department of Northern Luzon, December 19, 1900, and of which Lieutenant-Colonel Greenleaf A. Goodale, 3d U. S. Infantry, was president, and Captain William R. Sample, adjutant, 3d U. S. Infantry, was judge-advocate, was arraigned and tried: Jacinto Pineda, native.

CHARGE I.—“Being a guerrilla and disturber of the peace.” Specification.—“In that Jacinto Pineda was a member of a band of insurgent guerrillas, under command of one Eusebio Rojas, a notorious outlaw, the members of which band wore no uniforms, and intermittently returned to ordinary pursuits, and did disturb, molest, and terrify peaceful inhabitants of the province of Pampanga, island of Luzon. This during the year 1900, within a district then, as now, in insurrection against the United States.”

CHARGE II.—“Murder.” Specification.—“In that Jacinto Pineda did feloniously and with malice aforethought participate in the unlawful killing and murdering of Dalmacio Sicat, a peaceful native, by directing and assisting in the burial alive of said Sicat. This between October 31 and December 31, 1900, at barrio San Isidro, Bacolor, province of Pampanga, island of Luzon, within a district then, as now, in insurrection against the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Jacinto Pineda, “To be confined at hard labor, at such place as the reviewing authority may direct, for the period of his natural life.”

In the foregoing case of Jacinto Pineda, a native, it appears that he belonged to a small band of men, the members of which were ordinarily engaged in peaceful pursuits, but which occasionally assembled for the purposes of robbery and murder, and, as in this instance, the burial alive of a law-abiding neighbor. The accused, while confessing his part in this most cruel deed, pleaded his youth and the compulsion exercised over him by one Eusebio Rojas, who has paid the penalty of death for this and other like crimes of which he was the chief actor and instigator.

The evidence, however, shows that the accused was an active and willing agent, and in the eye of the law a principal in this murder.

The sentence, approved by the department commander, is confirmed, and will be duly executed. The Presidio de Manila is designated as the place of confinement, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 22, 1901.

General Orders, No. 78.

Before a military commission which convened at Aparri, province of Cagayan, Luzon, P. I., pursuant to paragraph 1, special orders, No. 211, Headquarters Department of Northern Luzon, November 28, 1900, and of which Maj. Samuel R. Whittall,

Sixteenth United States Infantry, was president, and First Lieut. Benjamin T. Simmons, commissary, Sixteenth United States Infantry, was judge-advocate, was arraigned and tried José Baligod, native.

CHARGE I.—“Violation of the laws and usages of war.”

Specification 1.—“In that he, José Baligod, a native owing allegiance to the United States, and the duly elected presidente of the pueblo of Tuao, province of Cagayan, Luzon, P. I., in company of, and consorting with, Raphael Banites, Pedro Datul, Andres Daguel, Remigio Baligod, Bartolome Baligod, and other natives, names and numbers unknown, not uniformed nor belonging to any regularly organized insurgent force, did rise in arms against the lawful authority of the United States of America in the Philippine Islands, by assisting in assembling and organizing an unlawful band of armed natives in the vicinity of the said pueblo of Tuao for the purpose of attacking the garrison of U. S. troops there stationed; and by assisting in making an attack, with firearms, bolos, and daggers, upon the United States garrison, consisting of nineteen men of Company M, 49th Infantry, U. S. Volunteers, said attack being made at midnight of the 18th and 19th of October, 1900. This on or about the 17th, 18th, and 19th days of October, 1900, in the pueblo above named, a place then, as now, within the territory occupied by the Army of the United States, under martial law; and then, as now, a time of insurrection against the lawful authority of the United States.”

Specification 2.—“In that he, José Baligod, a native owing allegiance to the United States, and the duly elected presidente of the pueblo of Tuao, province of Cagayan, Luzon, P. I., did aid and abet Raphael Banites, Pedro Datul, Andres Daguel, Remigio Baligod, Bartolome Baligod, and other natives to the number of 250, more or less, not uniformed nor belonging to any regularly organized insurgent force, in preparing to attack and in making an attack with firearms, bolos, and daggers, upon the United States garrison, consisting of nineteen men of Company M, 49th Infantry, U. S. Volunteers, said attack being made at about midnight of the 18th and 19th of October, 1900. This on or about the 18th day of October, 1900, within the territory occupied by the Army of the said United States, under martial law; and then, as now, a time of insurrection against the lawful authority of the said United States.”

Specification 3.—“In that he, José Baligod, a native owing allegiance to the United States, and the duly elected presidente of the pueblo of Tuao, province of Cagayan, Luzon, P. I., on or about the 22d day of September, 1900, did harbor, protect, and conceal in his, the said José Baligod's, house one Raphael Banites, a native Tagalog, well known by the said José Baligod to be engaged at the time in organizing a force of natives to make an unlawful attack upon the United States garrison stationed at the said pueblo of Tuao. This within the territory occupied by the Army of the said United States under martial law; and then, as now, a time of insurrection against the lawful authority of the United States.”

Specification 4.—“In that he, José Baligod, a native owing allegiance to the United States, and the duly elected presidente of the pueblo of Tuao, province of Cagayan, Luzon, P. I., did, on two separate occasions, proceed to the rancho of Balise, a barrio of the aforesaid pueblo, and there consult with one Raphael Banites, a native Tagalog, a leader of outlaws, for the purpose of completing the organization of an unlawful band for an attack upon the United States garrison stationed at the said pueblo of Tuao, and did assist, both by his influence and official authority, in completing the said unlawful organization, he well knowing before leaving said pueblo of Tuao that the said rancho of Balise was the appointed place of rendezvous of the said unlawful organization. This at the said rancho of Balise and in the said pueblo of Tuao, on or about the 17th and 18th days of October, 1900, places then, as now, within the territory occupied by the Army of the said United States, under martial law; and then, as now, a time of insurrection against the lawful authority of the said United States.”

CHARGE II.—“Neglect of duty as presidente.” *Specification.*—“In that José Baligod, a native owing allegiance to the United States, and the duly elected presidente of the pueblo of Tuao, province of Cagayan, Luzon, P. I., being well aware of a contemplated attack which was to be made by a band of outlaws upon the garrison of U. S. troops stationed in the aforesaid pueblo, on the night of October 18, 1900, and being in the barracks of the said garrison on the night of the said attack, conversing with members of the said garrison from about 8.30 p. m. until about 11.30 p. m., and it being his duty to report such contemplated attack to the commander of United States forces, did fail and neglect utterly to notify any United States official, or any member of the said garrison, of the contemplated attack, which attack was made upon the aforesaid garrison of U. S. troops at about midnight of the 18th of October, 1900, with firearms, bolos, and daggers held in the hands of the aforesaid band of native outlaws which the said José Baligod had previously aided in assembling and organ-

izing, at the rancho of Balise, in the aforesaid pueblo. This at the said pueblo of Tuao, on or about the 18th day of October, 1900, a place then, as now, within the territory occupied by the said Army of the United States, under martial law; and then, as now, a time of insurrection against the lawful authority of the said United States."

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge, "not guilty."

Of the second specification first charge, "guilty."

Of the third specification, first charge, "guilty, except the words 'his, the said José Baligod's, house,' substituting therefor the words 'the house of Felisardo Bangan,' of the excepted words not guilty, of the substituted words guilty." Of the fourth specification first charge, "guilty."

Of the first charge, "guilty."

Of the specification, second charge, "guilty."

Of the second charge, "guilty."

SENTENCE.—"And the commission does therefore sentence him, José Baligod, native, to be confined at hard labor, in such penitentiary as the reviewing authority may direct, for twenty (20) years."

In the foregoing case it appears that the accused, José Baligod, was the presidente of the pueblo of Tuao, duly elected under the system established by the American Government; that while exercising the functions of this office he became cognizant of the organization of a band of men in a neighboring barrio for the purpose of attacking the small garrison of nineteen American soldiers stationed at Tuao; that he held personal interviews with the leader of this band, one Raphael Banites, advised him as to the auspicious time of attack; intercepted a messenger sent to warn the American troops of the impending danger and refrained himself from giving any information or warning that would enable these troops to be in special readiness to meet it. He utilized the police as messengers between himself and the leaders of the band; and one policeman was actually employed as a spy on the American garrison, and who notified the band when to make its advance. It also appears that on a former occasion this accused harbored and concealed the leader of this attacking band in a house of his bailiwick during the temporary presence at the presidencia of officials of the United States Army, and threatened to cut out the tongues of any who disclosed this fact.

No doubt arises from the evidence that the accused treacherously abused the trust of his office and unlawfully gave aid and support to an armed band of outlaws in their attack upon the garrison at Tuao.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila P. I., April 27, 1901.

General Orders, No. 81.

Before a military commission which convened at San Fernando, province of Pampanga, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 43, Headquarters Department of Northern Luzon, June 4, 1900, and of which Capt. Charles W. Wardsworth, Forty-first Infantry, United States Volunteers, was president, and First Lieut. Chauncey B. Humphrey, Third United States Infantry, was judge-advocate, was arraigned and tried: Augustin Miranda, native.

CHARGE I.—"Murder." Specification.—"In that he, Augustin Miranda, a native, on or about November 29, 1899, then, as now, a time of insurrection, at the barrio of Santa Maria, pueblo of Santa Ana, province of Pampanga, Luzon, P. I., a place then, as now, in the theater of active military operations, in company of, and consorting with, a band of armed outlaws to the number of six, more or less, commanded and led by the said Augustin Miranda, did wilfully, feloniously, and with malice aforethought, kill and murder the following persons, to wit: Adelardo Alfaro, Ricardo Alfaro, and José Abelino, by inflicting divers and sundry wounds upon their persons with revolvers and bolos, from which the said Adelardo Alfaro, Ricardo Alfaro, and José Abelino then and there died. This at the time and place above specified."

CHARGE II.—"Robbery." Specification.—"In that, Augustin Miranda, a native, on or about the 3d day of February, 1899, then, as now, a time of insurrection, at the barrio of Santa Rita, pueblo of San Luis, province of Pampanga, Luzon, P. I., a

place then, as now, in the theater of active military operations, in company of, and consorting with, a band of armed outlaws, to the number of fifty, more or less, commanded and led by the said Augustin Miranda, did feloniously and forcibly break and enter the house of Pascual Tison and take therefrom and from the presence of the owners, clothing and jewels of the value of one thousand pesos (\$1,000.00) more or less, Mexican currency, the property of Pascual Tison, Lucila Tison, Pasion Tison, and Tailoa Tison. This at the time and place above specified."

CHARGE III.—"Assault with intent to do bodily harm." Specification.—"In that he, Augustin Miranda, a native, on or about the 3d day of February, 1899, then, as now, a time of insurrection, at the barrio Santa Rita, pueblo of San Luis, province of Pampanga, Luzon, P. I., a place then, as now, in the theater of active military operations, in company of, and consorting with, a band of armed outlaws to the number of fifty, more or less, commanded and led by the said Augustin Miranda, did assault with intent to do bodily harm thereto, Lucila Tison, Pasion Tison, and Tailoa Tison, native women, by forcibly and against their will, compelling said women to leave their homes and to accompany him, the said Augustin Miranda, and his band of outlaws. This at the time and place above specified."

ADDITIONAL CHARGE.—"Murder." Specification.—"In that he, Augustin Miranda, native, did, on or about October 30, 1899, then, as now, a time of insurrection, at or near the barrio of Santa Maria, pueblo of Santa Ana, province of Pampanga, Luzon, a place then, as now, in the theater of active military operations, in company of, and consorting with, two other outlaws, namely, Epipanio Musni and Juan Tolentino, did wilfully, feloniously, and with malice aforethought, kill and murder one José Rivera, a native; by shooting him with revolvers and cutting him with bolos, held in the hands of said Augustin Miranda, Epipanio Musni, and Juan Tolentino, inflicting wounds therewith whereof the said José Rivera did then and there die. This at the place and about the time specified."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Augustin Miranda, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case it appears that the accused, Augustin Miranda, was the leader of an armed band of ladrones whose unlawful operations were carried on in the vicinity of Santa Ana, San Luis, and adjacent localities. On or about November 29, 1899, the band, led by accused, ambushed, shot, and boloed to death, and robbed of their money, two brothers, Adelardo Alfaro and Ricardo Alfaro, the accused personally firing one of the fatal shots. On the 3d of February, 1899, the accused led his band against the country house of one Pascual Tison, set it afire, looted its contents, and carried off into the fields three daughters of the owner, from whom they also robbed their earrings, diamonds, and rings. Three days later the accused and his band attacked the town house of Pascual Tison and thoroughly sacked it. In the latter part of October, 1899, accused and two armed followers, prompted by his mamorata, who kept a gambling house, carried off and cruelly shot one José Rivera, who was then boloed until dead by the companions of accused, and this for the sole reason that their victim was unable at that time to pay his gambling debt.

There is no evidence of record relating to the murder of José Abelino, and the finding of the commission upon the specification to the first charge, so far as it relates to him, is disapproved. The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Santa Ana, province of Pampanga, Luzon, P. I., on the tenth (10th) day of May, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By Command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 27, 1901.

General Orders, No. 82.

Before a military commission which convened at Panique, province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Capt. Robert K. Evans, Twelfth U. S. Infantry, was president and First Lieut. George H. Shields, jr., Twelfth U. S. Infantry, was judge-advocate, was arraigned and tried Filomeno Hallado, a native.

CHARGE.—“Murder.” *Specification*.—“That on the 3d day of December, A. D. 1900, then, as now, a time of insurrection, at the pueblo of Anao, province of Tarlac, on the island of Luzon of the Philippine Islands, a place then, as now, under the military occupation and government of the United States, one Filomeno Hallado, a Filipino and a resident of said province of Tarlac, in company of, and consorting with, other natives to the number of five, more or less, armed with bolos and a revolver, did feloniously, willfully and with malice aforethought, murder and kill one Gregorio Pascual, a Filipino and resident of said pueblo of Anao, by then and there cutting the said Gregorio Pascual with a bolo, held in the hands of said Filomeno Hallado, and of his companions, to the number of five, more or less; then and there inflicting upon the said Gregorio Pascual divers cuts and wounds, by reason of which said cuts and wounds the said Gregorio Pascual then and there died.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Filomeno Hallado, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring.”

In the foregoing case of Filomeno Hallado, native, the accused in his freely offered written statement to the commission, admitted his guilt.

The sentence, approved by the department commander, is confirmed, but owing to the failure of the commission to spread upon the record presumably available evidence of a corroborative character, the reviewing authority is constrained to commute the sentence of death awarded to imprisonment at hard labor for the period of his natural life. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,

Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., April 27, 1901.

General Orders, No. 83.

Before a military commission which convened at Vigan, Province of Ilocos Sur, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 9, Headquarters Department of Northern Luzon, January 10, 1901, and of which Lieutenant-Colonel Robert L. Howze, 34th Infantry, U. S. Volunteers, was president, and 1st Lieutenant Harold P. Howard, 3d U. S. Cavalry, was judge-advocate, were arraigned and tried:

I. Mariano Aragon, native.

CHARGE.—“Murder.”

Specification 1.—“In that Mariano Aragon, native, did kill and murder one Pedro Alaebilla, a native, by striking and stabbing him, the said Pedro Alaebilla, with a bolo or other sharp instrument held in the hands of the said Mariano Aragon, inflicting wounds therewith whereof he, the said Pedro Alaebilla, then and there died. This on or about the month of March, 1900, then as now a time of insurrection, at or near the barrio Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I., a place then, as now, under the military government of the United States.”

Specification 2.—“In that Mariano Aragon, native, did kill and murder one Nicolas Alaebilla, a native, by striking and stabbing him, the said Nicolas Alaebilla, with a bolo or other sharp instrument held in the hands of the said Mariano Aragon, inflicting wounds therewith whereof he, the said Nicolas Alaebilla, then and there died. This on or about the month of March, 1900, then as now a time of insurrection, at or near the barrio Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I., a place then, as now, under the military government of the United States.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, “guilty, except the word ‘Alaebilla,’ substituting therefor, wherever it occurs, the words ‘whose other name is unknown;’ of the excepted word not guilty and of the substituted words, guilty.” Of the second specification, “guilty, except the word ‘Alaebilla,’ substituting therefor wherever it occurs, the words ‘whose other name is unknown;’ of the excepted word, not guilty, and of the substituted words, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Mariano Aragon, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

II. Prudencio Llanes, native.

CHARGE I.—“Violation of the laws of war.”

Specification 1.—“In that Prudencio Llanes, native, in company of and consorting with a band of outlaws, armed with rifles and bolos to the number of forty, more or

less, commanded and led by said Llanes, and living by day in the semblance of peaceful pursuits, did make a hostile raid on the barrio of San Julian, municipio of Vigan, Province of Ilocos Sur, Luzon, P. I., a place then, as now, under the military government of the United States, for the avowed purpose of killing one Catalino Foster, a native known to be friendly to the United States. This on or about the night of December 1, 1900, then, as now, a time of insurrection." * * *

Specification 2.—"In that Prudencio Llanes, native, in company of and consorting with a band of outlaws, armed with rifles and bolos to the number of forty, more or less, commanded and led by said Llanes, and living by day in the semblance of peaceful pursuits, did make a hostile raid on the barrio of San Julian, municipio of Vigan, Province of Ilocos Sur, Luzon, P. I., a place then, as now, under the military government of the United States, for the avowed purpose of killing one Arcadio Atangan, a native known to be friendly to the United States. This on or about the night of December 12, 1900, then, as now, a time of insurrection." * * *

CHARGE II.—"Murder."

Specification 1.—"In that Prudencio Llanes, native, in company of, and consorting with, a band of armed outlaws, commanded and led by said Llanes, did kill and murder one Agapito Madarang, a native, by striking and stabbing him, the said Madarang, with a bolo or other sharp instrument, held in the hands of members of said band, inflicting wounds therewith whereof he, the said Madarang, then and there died. This on or about September 10, 1900, then, as now, a time of insurrection, * * * at or near the barrio of Ravis, pueblo of Caoayan, province of Ilocos Sur, Luzon, P. I. * * *"

Specification 2.—"In that Prudencio Llanes, native, in company of, and consorting with, a band of armed outlaws, commanded and led by said Llanes, did kill and murder one John Doe, a native, whose true name is unknown, by striking and stabbing him, the said Doe, with a bolo or other sharp instrument, held in the hands of members of said band, inflicting wounds therewith whereof he, the said Doe, then and there died. This on or about January 15, 1900, then, as now, a time of insurrection, * * * at or near the barrio of Cacutonan, pueblo of Caoayan, province of Ilocos Sur, Luzon, P. I. * * *"

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty;" of the first charge, "guilty;" of the first specification, second charge, "guilty;" of the second specification, second charge, "guilty, except the words 'on or about January 15,' substituting therefor the words 'during the month of March;' also except the word 'Cacutonan,' substituting therefor the word 'Lusong,' of the excepted words, not guilty, and of the substituted words, guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Prudencio Llanes, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

III. Nicasio Llanes, native.

CHARGE.—"Murder." *Specification.*—"In that Nicasio Llanes, native, in company of, and consorting with other natives to the number of two, more or less, commanded and led by said Llanes, and armed with rifles and bolos, did kill and murder one John Doe, a native, whose true name is unknown, by striking and stabbing him, the said Doe, with a bolo or other sharp instrument, held in the hands of said Llanes, inflicting wounds therewith whereof he, the said Doe, then and there died. This on or about March 15, 1900, then as now, a time of insurrection, * * * at or near the barrio of Cacutonan, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *"

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Nicasio Llanes, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

IV. Mamerto Llanes, native.

CHARGE.—"Murder." *Specification.*—"In that Mamerto Llanes, native, in company of, and consorting with, a band of armed outlaws, commanded and led by one Prudencio Llanes, in armed defiance of the laws and authority of the United States, did kill and murder one Agapito Madarang, a native, by striking and stabbing him, the said Madarang, with a bolo or other sharp instrument held in the hands of members of said band, inflicting wounds therewith whereof he, the said Madarang, then and there died. This on or about the month of September, 1900, then, as now, a time of insurrection * * * at or near the barrio of Ravis, pueblo of Caoayan, province of Ilocos Sur, Luzon, P. I. * * *"

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Mamerto Llanes,

native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

V. Tomas Asinan, native.

CHARGE.—"Murder."

Specification 1.—"In that Tomas Asinan, native, did kill and murder one Juan Ramos, a native, by striking and stabbing him, the said Juan Ramos, with a bolo or other sharp instrument, held in the hands of the said Tomas Asinan, inflicting wounds therewith whereof he, the said Juan Ramos then and there died. This on or about the month of July, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *."

Specification 2.—"In that Tomas Asinan, native, did kill and murder one Augustin Quiton, a native, by striking and stabbing him, the said Augustin Quiton, with a bolo or other sharp instrument, held in the hands of the said Tomas Asinan, inflicting wounds therewith whereof he, the said Augustin Quiton, then and there died. This on or about the month of August, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *."

Specification 3.—"In that Tomas Asinan, native, did kill and murder one Mariano, a native, whose other name is unknown, by striking and stabbing him, the said Mariano, with a bolo or other sharp instrument held in the hands of the said Tomas Asinan, inflicting wounds therewith whereof he, the said Mariano, then and there died. This on or about the month of August, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *."

Specification 4.—"In that Tomas Asinan, native, did kill and murder one Benito, a native, whose other name is unknown, by striking and stabbing him, the said Benito, with a bolo or other sharp instrument held in the hands of the said Tomas Asinan, inflicting wounds therewith whereof he, the said Benito, then and there died. This on or about the month of July, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *."

Specification 5.—"In that Tomas Asinan, native, did kill and murder one Anacleto, a native, whose other name is unknown, by striking and stabbing him, the said Anacleto, with a bolo or other sharp instrument held in the hands of the said Tomas Asinan, inflicting wounds therewith whereof he, the said Anacleto, then and there died. This on or about the month of July, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *."

PLEA.—"Guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Tomas Asinan, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

VI. Fermin Cortes, native.

CHARGE.—"Murder."

Specification 1.—"In that Fermin Cortes, native, being a member of a band of armed outlaws commanded and led by one Prudencio Llanes, in notorious armed defiance of the laws and authority of the United States, did kill and murder one John Doe, a native, whose true name is unknown, by striking and stabbing him, the said Doe, with a bolo or other sharp instrument held in the hands of said Cortes, inflicting wounds therewith whereof he, the said Doe, then and there died. This on or about October 15, 1900, then, as now, a time of insurrection * * * at or near the barrio of Tamurong, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *."

Specification 2.—"In that Fermin Cortes, native, being a member of a band of armed outlaws commanded and led by one Prudencio Llanes, in notorious armed defiance of the laws and authority of the United States, did kill and murder one Mary Doe, a native woman, whose true name is unknown, by striking and stabbing her, the said Mary Doe, with a bolo or other sharp instrument held in the hands of said Cortes, inflicting wounds therewith whereof she, the said Mary Doe, then and there died. This on or about October 15, 1900, then, as now, a time of insurrection. * * * at or near the barrio of Tamurong, pueblo at Caoayan, Ilocos Sur, Luzon, P. I. * * *."

PLEA.—"Not guilty."

FINDING.—Of the 1st specification, "Guilty, except the words 'John Doe' and the words 'whose true name is unknown:' substituting for the word 'John' the word 'Buenaventura' and for the word 'Doe,' wherever it occurs, the word 'Mallore;' of the excepted words not guilty, and of the substituted words guilty." Of the 2d specification, "Guilty, except the words 'Mary Doe' and the words 'whose true name is unknown:' substituting for the words 'Mary Doe' the words 'Agapita Gat-

man;' of the excepted words not guilty and of the substituted words guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Fermin Cortes, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

VII. Placido Quiton, native.

CHARGE.—"Murder."

Specification 1.—"In that Placido Quiton, native, in company of, and consorting with, a band of armed outlaws commanded and led by one Prudencio Llanes in armed defiance of the laws and authority of the United States, did kill and murder one Agapito Madarang, a native, by striking and stabbing him, the said Madarang, with a bolo or other sharp instrument held in the hands of members of said band, inflicting wounds therewith whereof he, the said Madarang, then and there died. This on or about September 10, 1900, then, as now, a time of insurrection, * * * at or near the barrio of Ravis, pueblo of Caoayan, province of Ilocos Sur, Luzon, P. I. * * *."

Specification 2.—"In that Placido Quiton, native, in company of, and consorting with, other natives, armed with bolos and other deadly weapons, did kill and murder one Justo Sevilla, a native, by striking and stabbing him, the said Sevilla, with a bolo or other sharp instrument, held in the hands of said Quiton, inflicting wounds therewith whereof he, the said Sevilla, then and there died." "This on or about the month of September, 1900, then, as now, a time of insurrection, * * * at or near the barrio of Bungtuolan, municipio of Vigan, province of Ilocos Sur, Luzon, P. I. * * *."

Specification 3.—"In that Placido Quiton, native, did kill and murder one Petra Aniceto, a native woman, by striking and stabbing her, said Petra Aniceto, with a bolo or other sharp instrument, held in the hands of said Quiton, inflicting wounds therewith whereof she, the said Petra Aniceto, then and there died. This on or about the month of June, 1900, then, as now, a time of insurrection, * * * at or near the barrio of Bedding, pueblo of Caoayan, province of Ilocos Sur, Luzon, P. I. * * *."

PLEA.—"Not guilty."

FINDING.—Of the first specification, "guilty." Of the second specification, "guilty, except the words 'held in the hands of said Quiton;' of the excepted words, not guilty." Of the third specification, "guilty, except the word 'Caoayan,' substituting therefor the word 'Vigan;' of the excepted word, not guilty, and of the substituted word, guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Placido Quiton, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

VIII. Castor Alcausen, a native.

CHARGE.—"Murder."

Specification 1.—"In that Castor Alcausen, native, in company of, and consorting with, a band of armed outlaws, commanded and led by one Prudencio Llanes, in armed defiance of the laws and authority of the United States, did kill and murder one Agapito Madarang, a native, by striking and stabbing him, the said Madarang, with a bolo or other sharp instrument, inflicting wounds therewith whereof he, the said Madarang, then and there died. This on or about the month of September, 1900, then, as now, a time of insurrection * * * at or near the barrio of Ravis, pueblo of Caoayan, province of Ilocos Sur, Luzon, P. I. * * *."

Specification 2.—"In that Castor Alcausen, native, in company of, and consorting with, other natives, armed with bolos and other deadly weapons, did kill and murder one Justo Sevilla, a native, by striking and stabbing him, the said Sevilla, with a bolo or other sharp instrument, inflicting wounds therewith whereof he, the said Sevilla, then and there died. This on or about the month of September, 1900, then, as now, a time of insurrection, * * * at or near the barrio of Bungtuolan, municipio of Vigan, province of Ilocos Sur, Luzon, P. I. * * *."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Castor Alcausen, native, "To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

IX. Laureano Querubin, a native.

CHARGE.—"Murder."

Specification 1.—"In that Laureano Querubin, native, did kill and murder one Gabriel, a native, whose other name is unknown, by striking and stabbing him, the said Gabriel, with a bolo or other sharp instrument held in the hands of the said

Laureno Querubin, inflicting wounds therewith whereof he, the said Gabriel, then and there died. This on or about the month of June, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *."

Specification 2.—"In that Laureano Querubin, native, did kill and murder one Valentin, a native, whose other name is unknown, by striking and stabbing him, the said Valentin, with a bolo or other sharp instrument held in the hands of the said Laureano Querubin, inflicting wounds therewith whereof he, the said Valentin, then and there died. This on or about the month of July, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *"

PLEA.—"Not guilty."

FINDING.—Of the first specification, "guilty, except the words 'and murder,' and of the excepted words, not guilty." Of the second specification, "guilty, except the words 'and murder,' and of the excepted words not guilty." Of the charge, "not guilty of murder, but guilty of manslaughter."

SENTENCE.—And the commission does therefore sentence him, Laureano Querubin, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for thirty years."

X. Catalino Natividad, a native.

CHARGE.—"Murder."

Specification 1.—"In that Catalino Natividad, native, did kill and murder one Enrique, a native, whose other name is unknown, by striking and stabbing him, the said Enrique, with a bolo or other sharp instrument held in the hands of the said Catalino Natividad, inflicting wounds therewith whereof he, the said Enrique, then and there died. This on or about the month of July, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *"

Specification 2.—"In that Catalino Natividad, native, did kill and murder one Juan Hallado, a native, by striking and stabbing him, the said Juan Hallado, with a bolo or other sharp instrument held in the hands of the said Catalino Natividad, inflicting wounds therewith whereof he, the said Juan Hallado, then and there died. This on or about the month of July, 1900, then, as now, a time of insurrection, at or near the barrio of Naguilian, pueblo of Caoayan, Ilocos Sur, Luzon, P. I. * * *"

PLEA.—"Not guilty."

FINDING.—Of the first specification, "guilty, except the words 'and murder,' and of the excepted words, not guilty." Of the second specification, "guilty, except the words 'and murder,' and of the excepted words, not guilty." Of the charge, "not guilty of murder, but guilty of manslaughter."

SENTENCE.—And the commission does therefore sentence him, Catalino Natividad, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for thirty years."

In the foregoing cases of Mariano Aragon, Prudencio Llanes, Nicasio Llanes, Mamerto Llanes, Tomas Asinan, Fermin Cortes, Placido Quiton, Castor Alcausen, Laureano Querubin, and Catalino Natividad, natives, it appears of record that Mariano Aragon and Prudencio Llanes were two of a triumvirate of chiefs of an oath-bound band of armed men, styling themselves 'Sandatahans' and of which all of these accused were members; that they appointed a chief executioner, assistant executioners, a requisite number of grave diggers, and then, with set purpose, proceeded to assassinate all persons who manifested reluctance to join them or to contribute of their means to their support or to the support of the insurrectos in the hills, whom the leaders of the band claimed they were serving. They operated secretly at night, the leaders usually selecting their victims one at a time, and, having first secured, conducted them to a secret rendezvous on a sandy beach covered with very tall grass where, by timely notice, the grave diggers had dug the number of graves required and the chief executioner and his assistants had assembled for their appointed work. Here, in the presence of the assembled band, men and women, bound and helpless, were, from time to time, placed upon the brinks of their opened graves, their bodies run through with swords and bolos, and then buried. The members of the band would then separate, each going to his own home, trusting to the rise and fall of the nearby waters to slowly hide the traces of their work. These hideous operations were continued with industrious persistency through two months or more until the lengthening row of graves reached, in the language of one of the witnesses, "about thirty, more or less."

Why a populous community of men should calmly submit to gradual and certain extermination at the hands of a few men banded together for secret assassination, possessing no lawful authority and weak in numbers, can only be explained by those who prefer a reign of terror to the reign of wise, merciful, and equal laws.

To the reviewing authority it is evident there can be no hope of peace for the Filipino people, nor security for their lives and property until they shall learn to unite together against all bands of murderers and assassins, under whatever name they may assume, and come to the assistance of the officers of the law in their determination to bring them all to justice.

As no language can adequately portray the wanton cruelties of all these accused, their sentences, approved by the department commander, are confirmed, and will be duly executed upon Mariano Aragon, Prudencio Llanes, Nicasio Llanes, Mamerto Llanes, Tomas Asinan, Fermin Cortes, Castor Alcausen, and Placido Quiton at the pueblo of Caoayan, Province of Ilocos Sur, Luzon, P. I., on the seventeenth (17th) day of May, A. D., 1901, under the direction of the commanding general, Department of Northern Luzon.

The Presidio de Manila is designated as the place of confinement of Laureano Querubin and Catalino Natividad, to which place they will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 29, 1901.

General Orders, No. 84.

Before a military commission which convened at Naga, Island of Cebu, P. I., pursuant to paragraph 5, Special Orders, No. 142, Headquarters Department of the Visayas, September 12, 1900, and of which Major John G. Leefe, 19th U. S. Infantry, was president, and Captain Edward A. Stewart, adjutant, 44th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried: Leoncio Adlaan, native.

CHARGE I.—“Assault and battery with intent to kill.”

Specification.—“In that on or about the 5th day of November, A. D. 1899, then, as now, a time of insurrection, at or near the barrio of Tuluyan, in the pueblo of Naga, in the Island of Cebu, P. I., a place then, as now, a part of the territory of the United States and under its military government, one Leoncio Adlaan, a native resident of the said Philippine Islands, did assault one Teodoro Laput, a civilian, resident of the said barrio of Tuluyan, by then and there cutting and wounding him, the said Teodoro Laput, on the shoulder, with a bolo held in the hands of the said Leoncio Adlaan, with intent then and there, feloniously, willfully, and with malice aforethought, to kill and murder the said Teodoro Laput.”

CHARGE II.—“Arson.”

Specification.—“In that on or about the 5th day of November, A. D. 1899, then, as now, a time of insurrection, at or near the barrio of Tuluyan, in the pueblo of Naga, in the Island of Cebu, P. I., one Leoncio Adlaan, a native resident of the said Philippine Islands, did willfully, maliciously, and feloniously set fire to and burn the dwelling house of one Patruciana Villareal.”

CHARGE III.—“Murder.”

Specification.—“In that on or about the 5th day of August, A. D. 1900, then, as now, a time of insurrection, on or near the road leading from Naga to Cebu, P. I., near the junction thereof with the road to Talisay, about one and one-half miles from the pueblo of Minglanilla, in the Island of Cebu, P. I., a place then, as now, a part of the territory of the United States and under its military government, one Leoncio Adlaan, a native resident of the said Philippine Islands, did willfully, feloniously, and with malice aforethought kill and murder one Florentino Alpanta, a native, by then and there inflicting various and divers mortal wounds upon the head and throat of the said Florentino Alpanta, with a sharp instrument commonly called a bolo, held in the hands of the said Leoncio Adlaan, from which mortal wounds, so inflicted as aforesaid, the said Florentino Alpanta then and there died, on or about the said 5th day of August, A. D. 1900.

PLEA.—“Not guilty.”

FINDING.—Of the first charge and its specification, “not guilty;” of the second charge and its specification, “not guilty;” of the third charge and its specification, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Leoncio Adlaan, a native, “To be hanged by the neck until he be dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Leoncio Adlaan, native, the sentence, approved by the

Department Commander, is confirmed, but is commuted to confinement at hard labor for the period of twenty (20) years.

As thus commuted the sentence will be duly executed. The Presidio de Manila is designated as the place of confinement, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 29, 1901.

General Orders, No. 85.

Before a military commission which convened at Capiz, Island of Panay, P. I., pursuant to paragraph 4, Special Orders, No. 229, Headquarters Department of the Visayas, December 19, 1900, and of which Capt. David C. Shanks, 18th U. S. Infantry, was president, and 2d Lieutenant Charles D. Herron, 18th U. S. Infantry, was judge-advocate, were arraigned and tried:

Gregorio Degala, Bonificio Deseo, and Doroteo Degala, natives.

CHARGE I.—“Burglary.”

Specification.—“In that on or about the 8th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Pontevedra, Island of Panay, P. I., a place then, as now, under the military government of the United States, Gregorio Degala, Bonificio Deseo, and Doroteo Degala, natives, in company of and members of a band of armed outlaws to the number of nineteen (19), more or less, did willfully, feloniously, and burglariously break into and enter the dwelling house of one Alipio Delfin, a native, with intent then and there to commit a felony, to-wit: robbery.”

CHARGE II.—“Robbery.”

Specification.—“In that on or about the 8th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Pontevedra, Island of Panay, P. I., a place then, as now, under the military government of the United States, Gregorio Degala, Bonificio Deseo, and Doroteo Degala, natives, in company of and members of a band of armed outlaws to the number of nineteen (19), more or less, did willfully, feloniously and forcibly take, steal and carry away from the house of one Alipio Delfin, clothing, jewelry, palay and fifty (\$50.00) dollars, more or less, in cash, and the total value of the articles so stolen as aforesaid amounting to two hundred (\$200.00) dollars, more or less, and the property of the said Alipio Delfin, with intent then and there to appropriate the same to their own and to the use and benefit of the members of the said band of armed outlaws.”

CHARGE III.—“Assault and battery with intent to commit rape.”

Specification 1.—“In that at or near 11 o'clock p. m. on or about the 8th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Pontevedra, Island of Panay, P. I., a place then, as now, under the military government of the United States, Gregorio Degala, Bonificio Deseo and Doroteo Degala, natives, in company of and members of a band of armed outlaws to the number of 19, more or less, did, by force and arms, to-wit: with guns, pistols, spears and bolos, held in the hands of the members of the said band of armed outlaws, compel Alipio Delfin, Ysodoro Bacacandolo, Candida Delapo and Bacilia Damiras, the occupants of the house of the said Alipio Delfin, to come down out of the said house and did then and there bind and tie each and all of the said occupants of the house, and did then and there feloniously assault with intent to ravish and carnally know the said Candida Delapo, by force and violence and against her will.”

Specification 2.—“In that at or near 11 o'clock p. m. on or about the 8th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Pontevedra, Island of Panay, P. I., a place then, as now, under the military government of the United States, Gregorio Degala, Bonificio Deseo and Doroteo Degala, natives, in company of and members of a band of armed outlaws to the number of 19, more or less, did, by force and arms, to-wit: with guns, pistols, spears and bolos, held in the hands of members of the said band of armed outlaws, compel Alipio Delfin, Ysodoro Bacacandolo, Candida Delapo and Bacilia Damiras, the occupants of the house of the said Alipio Delfin, to come down out of the said house, and did then and there bind and tie each and all of the said occupants of the said house, and did then and there feloniously assault with intent to ravish and carnally know the said Bacilia, by force and violence, and against her will.”

CHARGE IV.—“Rape.”

Specification 1.—“In that at or near 11 o'clock p. m., on or about the 8th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Pontevedra, island of Panay, P. I., a place then, as now, under the military government of the United States, Gregorio Degala, Bonificio Deseo, and Doroteo Degala, natives, in company of, and members of a band of armed outlaws, to the number of 19, more or less, having by force and arms, to wit, with guns, pistols, spears, and bolos, held in the hands of members of the said band of armed outlaws, compelled Candida Delapo, a native woman and occupant of the house of Alipio Delfin, to come down out of the said house, and having then and there bound and tied the said Candida Delapo, did then and there feloniously assault, and by force and violence and against her will, ravish and carnally know the said Candida Delapo.”

Specification 2.—“In that at or near 11 o'clock p. m., on or about the 8th day of August, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Pontevedra, island of Panay, P. I., a place then, as now, under the military government of the United States, Gregorio Degala, Bonificio Deseo, and Doroteo Degala, natives, in company of, and members of a band of armed outlaws, to the number of 19, more or less, having by force and arms, to wit, with guns, pistols, spears, and bolos, held in the hands of members of the said band of armed outlaws, compelled Bacilia Damiras, a native woman and occupant of the house of Alipio Delfin, to come down out of the said house, and having then and there bound and tied the said Bacilia Damiras, did then and there feloniously assault, and by force and violence and against her will, ravish and carnally know the said Bacilia Damiras.”

PLEAS.—“Not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty;” of the first specification, third charge, “not guilty;” of the second specification, third charge, Doroteo Degala and Bonificio Deseo, “guilty,” Gregorio Degala, “not guilty;” of the third charge, Doroteo Degala and Bonificio Deseo, “guilty,” Gregorio Degala, “not guilty;” of the first specification, fourth charge, “not guilty;” of the second specification, fourth charge, Doroteo Degala and Bonificio Deseo, “guilty,” Gregorio Degala, “not guilty;” of the fourth charge, Doroteo Degala and Bonificio Deseo, “guilty,” Gregorio Degala, “not guilty.”

SENTENCE.—And the commission does therefore sentence them, Bonificio Deseo and Doroteo Degala, natives, “To be confined at hard labor, at such place as the reviewing authority may direct, for twenty (20) years.”

And the commission does therefore sentence him, Gregorio Degala, native, “To be confined at hard labor for ten (10) years, at such place as the reviewing authority may direct.”

In the foregoing case of Gregorio Degala, Bonificio Deseo, and Doroteo Degala, natives, who were jointly tried, it appears from the evidence that these accused belonged to an armed band of robbers that forced an entrance into and robbed the house of Alipio Delfin, taking therefrom money, jewelry, and other valuables, forced the inmates to come out and down from the house, bound and maltreated the men, and brutally assaulted the women.

With the exception of the finding upon the fourth charge, and the second specification thereunder, which he has disapproved, the department commander has approved the findings and sentences.

The sentences are confirmed and will be duly executed. The Presidio de Manila is designated as the place of confinement, to which the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 29, 1901.

General Orders, No. 86.

Before a military commission which convened at Vigan, province of Ilocos Sur, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 9, Headquarters Department of Northern Luzon, January 10, 1901, and of which Lieut. Col. Robert L. Howze, Thirty-fourth Infantry, United States Volunteers, was president, and First Lieut. Harold P. Howard, Third United States Cavalry, was judge-advocate, was arraigned and tried Anselmo Morales, native.

CHARGE I.—“Murder.”

Specification 1.—“In that Anselmo Morales, native, in company of and consorting with armed outlaws to the number of four, more or less, did feloniously and with malice aforethought kill and murder Benedicto Foronda, a native, by shooting him, the said Foronda, with a rifle held in the hands of the said Anselmo Morales, inflicting wounds therewith whereof he, the said Benedicto Foronda, then and there died. This in time of insurrection, on or about May 18, 1900, at the barrio of Soso, pueblo of Santa Maria, province of Ilocos Sur, P. I., a place then, as now, in the theater of military operations.”

Specification 2.—“In that Anselmo Morales, native, in company of and consorting with armed outlaws to the number of four, more or less, did feloniously and with malice aforethought kill and murder one Anacleto Daño, a native, by cutting and stabbing him, the said Anacleto Daño, with weapons commonly called bolos, held in the hands of the said Anselmo Morales, inflicting wounds therewith whereof the said Anacleto Daño then and there died. This in time of insurrection, on or about May 18, 1900, at the barrio of Soso, pueblo of Santa Maria, province of Ilocos Sur, P. I., a place then, as now, in the theater of military operations.”

Specification 3.—“In that Anselmo Morales, native, in company of and consorting with armed outlaws to the number of four, more or less, did feloniously and with malice aforethought kill and murder Timotea Fernando, a native, by shooting her, the said Timotea Fernando, with a rifle held in the hands of said Anselmo Morales, inflicting wounds therewith whereof the said Timotea Fernando then and there died. This in time of insurrection, on or about May 18, 1900, at the barrio of Soso, pueblo of Santa Maria, province of Ilocos Sur, P. I., a place then, as now, in the theater of military operations.”

CHARGE II.—“Abduction.”

Specification.—“In that he, Anselmo Morales, in company of and consorting with Segundo Arcella, a scout in the service of the United States, and armed outlaws to the number of four, more or less, did unlawfully, forcibly, and feloniously seize and abduct Elena Vergara, a native, from her house, the said Elena Vergara being at the time a lawful resident of the town of San Esteban, province of Ilocos Sur, P. I. This at San Esteban, province of Ilocos Sur, P. I., a place then, as now, within the theater of military operations, on or about June 6, 1900, a time of insurrection.”

CHARGE III.—“Receiving stolen property.”

Specification.—“In that Anselmo Morales, native, did receive and retain in his possession until required to surrender it, one Krag-Jørgensen carbine, calibre .30, the property of the United States, the said carbine having been stolen from the quarters of the United States forces occupying the town of Santa Maria, Ilocos Sur, P. I. This at the barrio of Danoman, pueblo of Santa Maria, province of Ilocos Sur, P. I., a place then, as now, within the theater of military operations, on or about June 15, 1900, a time of insurrection.”

CHARGE IV.—“Having firearms in possession.”

Specification.—“In that Anselmo Morales, native, did have in his possession and keep until required to surrender same, one (1) Krag-Jørgensen carbine, caliber .30, and one (1) Remington rifle. This in time of insurrection, on or about June 15, 1900, at or near the barrio of Danoman, Pueblo of Santa Maria, Province of Ilocos Sur, P. I., a place then, as now, in the theater of military operations.

PLEA.—To the first charge and its specifications, “not guilty;” to the second charge and its specification, “not guilty;” to the third charge and its specification, “guilty;” to the fourth charge and its specification, “guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Anselmo Morales, native, “To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Anselmo Morales, native, it appears that the accused was the leader of a small band of men armed with bolos and two rifles, one of which was carried by the accused. That he had made a requisition or demand of chickens, rice, and other supplies for his band upon the barrio of Soso, which, being refused, he later, with his followers, entered the place and killed two men and one woman, and that he then and there proclaimed his reason for murdering them to be the refusal of the people of the barrio to obey his orders and provide him with supplies. When captured, and on subsequent occasions, the accused freely admitted this to be true, and that the murders were committed in compliance with the orders of his insurgent superior officer. Eyewitnesses of the murder confirm his admissions. As it does not appear that he could not have secured the supplies he unlawfully demanded without resort to taking the lives of his law-abiding neighbors, some of whom were also, doubtless, blameless of even refusing his unlawful demands, there

is no escape from the conclusion that he acted more from vindictive and malicious motives than a belief, however mistaken, of justifiable necessity.

It also appears that he was an active participant in the abduction of a woman, and was found with firearms in his possession.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the pueblo of Santa Maria, province of Ilocos Sur, Luzon, P. I., on the twenty-fourth (24th) day of May, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April, 29, 1901.

General Orders, No. 87.

Before a military commission which convened at Manila, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 199, Headquarters Department of Southern Luzon, October 31, 1900, and of which Lieutenant-Colonel Edward M. Hayes, 4th U. S. Cavalry, was president, and Captain Lutz Wahl, 21st U. S. Infantry, was judge-advocate, was arraigned and tried, Felix Medina, native.

CHARGE.—“Murder.”

Specification.—“In that he, Felix Medina, in company with several others, all soldiers of Captain Cornellio Felisado, did feloniously, and with malice aforethought, murder and kill one Severino de Guia, vice-presidente of Bacoar, by shooting him, the said Severino de Guia, with a rifle held in the hands of and aimed by said Felix Medina, causing wounds whereof he, the said Severino de Guia, then and there died. This at San Nicolas, Cavite Province, Island of Luzon, P. I., on or about June 11, 1900, a time then as now of insurrection, and a place then as now under the military government of the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Felix Medina, native, “to be hung by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the commission concurring therein.”

In the foregoing case of Felix Medina, it appears that the accused was one of a band of armed insurgents who entered within the lines of the United States forces at San Nicolas, Cavite Province, and lay in ambush for the approach of Severino de Guia, vice-presidente of Bacoar, who was returning in a carromata with his two young sons from the fiesta of San Nicolas. On the approach of the carromata, accused and his companions sprang out, struck the coachman senseless, and led off as prisoner Severino de Guia, followed by the two lads. Arriving at the barrio of Pomplona, Las Pinas, the accused, who was one of two leaders, from a distance of about two paces, opened fire and shot deceased in the presence of his children, who were standing in his immediate proximity. The body was then flung into a pile of rocks and the murderers moved off.

The accused appears as a directing and willing participant in this assassination, done in needless and heartless violation of the laws of war.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the city of Manila, province of Manila, Island of Luzon, Philippine Islands, on the seventeenth (17th) day of May, A. D. 1901, under the direction of the provost-marshal-general, Manila.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 1, 1901.

General Orders, No. 88.

Before a military commission which convened at Urdaneta, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220, Headquarters Department of Northern Luzon, December 8, 1900, and of which Major Joseph W. Duncan, 13th U. S. Infantry, was president, and 1st Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, were arraigned and tried:

Gregorio Claveria, Antonio Valdez, Pablo Lorenzo, Alejandro Tavilin, Cornelio Estanoco, Juan Lusano, Andres Andrada, Santiago Andrada, Lazaro Lachica, Elias Castro, Jorge Antonio, Nicolas Morales, Agustine Morales, Nicolas Padilla, José Ramos, Cornelio Esmiralda, Gregorio Orap, Cosmé Evangelista, Tomas Bascos, Teodorico Catungal, Marcos Mortera, Juan Andrada, Alejo Andrada, and Torquato Abinojar, natives.

CHARGE I.—“Kidnapping.”

Specification.—“In that they, Gregorio Claveria, Antonio Valdez, Pablo Lorenzo, Alejandro Tavilin, Cornelio Estanoco, Juan Lusano, Andres Andrada, Santiago Andrada, Lazaro Lachica, Elias Castro, Jorge Antonio, Nicolas Morales, Agustine Morales, Nicolas Padilla, José Ramos, Cornelio Esmiralda, Gregorio Orap, Cosmé Evangelista, Tomas Bascos, Teodorico Catungal, Marcos Mortera, Juan Andrada, Alejo Andrada, and Torquato Abinojar, natives, and each of them, in company of, and consorting with, a band of outlaws, armed with revolvers, rifles, and bolos, twenty-five, more or less, in number, did feloniously and forcibly seize and carry away from their homes against their wills, and against the will of each of them, the following persons, to-wit: Castor Costodio, Miguel Ellazar, Sinforozo Parocha, Antonio Perjillana, Hilario Llonas, Miguel Campos, Agustine Campos, Eugenio Campos, and Bartolomé Sibayan. This on or about the 14th day of December, 1899, a time, then, as now, of insurrection against the United States Government, at or near the barrio of Casantlucian, pueblo of Urdaneta, province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States, and in territory occupied by the United States troops.”

CHARGE II.—“Murder.”

Specification.—“In that they, Gregorio Claveria, Antonio Valdez, Pablo Lorenzo, Alejandro Tavilin, Cornelio Estanoco, Juan Lusano, Andres Andrada, Santiago Andrada, Lazaro Lachica, Elias Castro, Jorge Antonio, Nicolas Morales, Agustine Morales, Nicolas Padilla, José Ramos, Cornelio Esmiralda, Gregorio Orap, Cosmé Evangelista, Tomas Bascos, Teodorico Catungal, Marcos Mortera, Juan Andrada, Alejo Andrada, and Torquato Abinojar, natives, and each of them, in company of, and consorting with, a band of outlaws, armed with revolvers, rifles, and bolos, twenty-five, more or less, in number, did willfully, feloniously, and with malice aforethought, kill and murder Castor Costodio, Miguel Ellazar, Sinforozo Parocha, Antonio Perjillana, Hilario Llonas, Miguel Campos, and Agustine Campos, natives, by cutting and stabbing them, the said Costodio, Ellazar, Parocha, Perjillana, Llonas, Miguel Campos, and Agustine Campos, with bolos held in the hands of the said Claveria, Valdez, Lorenzo, Tavilin, Estanoco, Lusano, Andres Andrada, Santiago Andrada, Lachica, Castro, Antonio, Nicolas Morales, Agustine Morales, Nicolas Padilla, Ramos, Esmiralda, Orap, Cosmé Evangelista, Bascos, Catungal, Mortera, Juan Andrada, Alejo Andrada, and Abinojar, and in the hands of said outlaws and each of them, inflicting wounds therewith whereof they, the said Costodio, Ellazar, Parocha, Perjillana, Llonas, Miguel Campos, and Agustine Campos, then and their died. This on or about the 14th day of December, 1899, a time then, as now, of insurrection against the United States, at or near the población of the pueblo of Cabaruan, province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States, and in territory occupied by the United States troops.

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Gregorio Claveria, Antonio Valdez, Pablo Lorenzo, and Alejandro Tavilin, natives, and each of them, “to be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

And the commission does therefore sentence them, Andres Andrada, Lazaro Lachica, Jorge Antonio, Nicolas Padilla, Jose Ramos, Alejo Andrada, and Torquato Abinojar, natives, and each of them, “to be confined at hard labor, at such place as the reviewing authority may direct for the period of their natural lives.”

And the commission does therefore sentence them, Cornelio Estanoco, Juan Lusano, Santiago Andrada, Elias Castro, Nicolas Morales, Agustine Morales, Cornelio Esmiralda, Gregorio Orap, Cosme Evangelista, Tomas Bascos, Teodorico Catungal, Marcos Mortera, and Juan Andrada, natives, and each of them, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years.

In the foregoing case it appears that the accused, Gregoria Claveria, presidente of the pueblo of Cabaruan, proceeded with an armed band of twenty-five men, of which Antonio Valdez was a leader and Pablo Lorenzo, Alejandro Tavilin, Cornelio Estanoco, Juan Lusano, Andres Andrada, Santiago Andrado, Lazaro Lachica, Elias Castro, Jorge Antonio, Nicolas Morales, Agustine Morales, Nicolas Padilla, Jose Ramos, Cor-

nelio Esmiralda, Gregorio Orap, Cosme Evangelista, Tomas Bascos, Teodorico Catungal, Marcos Mortera, Juan Andrada, Alejo Andrada, and Torquato Abinojar, willing members, to the barrio of Casantulacian, seized and bound nine of its inhabitants and conducted them, by force and blows from the butts of rifles, to the presidencia of Cabaruan. There they all drank freely of vino, the prisoners being made drunk. The accused, Gregorio Claveria, then ordered them to be rebound and taken away, and he and all of the other accused led seven of their captives off in the direction of a grove of trees, a few hundred yards distance, where, two days later, the beheaded bodies of all seven were discovered, lying on the ground, in a state of putrefaction. Two of the original nine prisoners succeeded in concealing themselves in the presidencia, thus escaped, and were witnesses for the prosecution. Other eye-witnesses of the kidnapping fully identify all of the accused as perpetrators of the crime, and no reasonable doubt of their guilt arises from the record. The motive of the killing was a reluctance on the part of the victims to pay contributions to accused, Gregorio Claveria, or to move into and live within his jurisdiction.

The sentences, approved by the department commander, are confirmed, but, as recommended by him, are, in the cases of Pablo Lorenzo and Alejandro Tavinin, commuted to confinement at hard labor for the period of twenty (20) years. In the cases of Andres Andrada, Lazaro Lachica, Jorge Antonio, Nicolas Padilla, Jose Ramos, Alejo Andrada, and Torquato Abinojar, their sentences are mitigated to confinement at hard labor for the period of twenty (20) years, and the sentences in the cases of Cornelio Estanoco, Juan Lusano, Santiago Andrada, Elias Castro, Nicolas Morales, Augustine Morales, Cornelio Esmiralda, Gregorio Orap, Cosme Evangelista, Tomas Bascos, Teodorico Catungal, Marcos Mortera, and Juan Andrada, are mitigated to confinement at hard labor for the term of fifteen (15) years.

The sentences against these accused, as commuted and mitigated, will be duly executed at the Presidio de Manila, to which place they will be sent under proper guard.

The sentences against Gregoria Claveria and Antonio Valdez will be duly executed at the pueblo of Urdaneta, province of Pangasinan, Luzon, P. I., on the seventeenth (17th) day of May, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 9, 1901.

General Orders, No. 92.

Before a military commission which convened at the pueblo of San Fernando, Province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 230, Headquarters Department of Northern Luzon, December 19, 1900, and of which Lieutenant Colonel Greenleaf A. Goodale, 3d U. S. Infantry, was president, and Captain William R. Sample, adjutant, 3d U. S. Infantry, was judge-advocate, was arraigned and tried Domingo Bautista, native.

CHARGE.—“Murder.”

Specification.—“In that Domingo Bautista did, feloniously and with malice aforethought, participate in the killing and murdering of Dalmacio Sicat, a peaceful native, by assisting in the burial alive of said Sicat. This between October 31 and December 31, 1900, in barrio San Isidro, Bacolor, Province of Pampanga, Island of Luzon, within a district then, as now, in insurrection against the United States.”

PLEA.—To the specification, “guilty, except the words ‘feloniously and with malice aforethought,’ and of the excepted words not guilty.” To the charge, “not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Domingo Bautista, native, “To be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life.”

In the foregoing case of Domingo Bautista, native, it appears that the accused belonged to a small band of men whose leader, Eusebio Rojas, has paid the penalty of death for this and other crimes of which he was the chief actor and instigator. The accused, while confessing his part in the burial alive of a law-abiding man, pleaded the compulsion exercised over him by the said Rojas. But he was armed, and acted too well the part of a willing agent in this fearful crime to give weight to his defense.

The sentence, approved by the department commander, is confirmed and will be duly executed. The Presidio de Manila is designated as the place of confinement, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 9, 1901.

General Orders, No. 93.

Before a military commission which convened at the pueblo of Romblon, Island of Romblon, P. I., pursuant to paragraph 1, Special Orders, No. 39, Headquarters Department of Southern Luzon, February 8, 1901, and of which Captain Edmund K. Webster, 2d U. S. Infantry, was president, and 1st Lieutenant Frank H. Whitman, 2d U. S. Infantry, was judge-advocate, was arraigned and tried Pedro Recto, native.

CHARGE.—“Murder.”

Specification 1.—“In that Pedro Recto, native, did, on or about the 9th day of July, 1899, then, as now, a time of insurrection, at or near Magallanes, Island of Sebryan, district of Romblon, P. I., a place then, as now, under the military government of the United States, willfully, feloniously, and with malice aforethought, kill and murder one Calistro Rosi, a native citizen, by stabbing, cutting, and beating him, the said Calistro Rosi, with a bolo held in the hands of said Pedro Recto, thereby inflicting upon the person of the said Calistro Rosi wounds whereof he, the said Calistro Rosi, then and there died. This at or near the place and on or about the date above specified.”

Specification 2.—“In that Pedro Recto, native, did, on or about the 9th day of July, 1899, then, as now, a time of insurrection, at or near Magallanes, Island of Sebryan, district of Romblon, P. I., a place then, as now, under the military government of the United States, willfully, feloniously, and with malice aforethought, kill and murder one Anistasio Ropal, a native citizen, by stabbing, cutting, and beating him, the said Anistasio Ropal, with a bolo held in the hands of the said Pedro Recto, thereby inflicting upon the person of the said Anistasio Ropal wounds whereof he, the said Anistasio Ropal, then and there died. This at or near the place and on or about the date above specified.”

PLEA.—“Not guilty.”

FINDING.—Of the 1st specification, “guilty, except the words ‘stabbing and beating,’ and of the excepted words, not guilty.” Of the 2d specification, “guilty, except the words ‘stabbing and beating,’ and of the excepted words, not guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Pedro Recto, native, “To be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life.”

In the foregoing case of Pedro Recto, native, it appears from the evidence that the accused was drinking vino with a friend; that his friend became helplessly drunk, and while in this condition the accused, with his bolo, struck him twice; that the wounded man made outcry, and a neighbor, coming to ascertain the cause, was met by the accused, who assailed him with his bolo, cutting off a hand and inflicting a fatal wound on the head.

No motive appears for the murder of these two unoffending men other than an apparent drunken recklessness and bravado on the part of the accused.

The sentence, approved by the department commander, is confirmed and will be duly executed. The Presidio de Manila is designated as the place of confinement, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 21, 1901.

General Orders, No. 99.

Before a military commission which convened at the pueblo of Bautista, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Captain

Harry C. Benson, 4th U. S. Cavalry, was president, and 2d Lieutenant Sylvester Bonnaffon, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Eugenio Inasuria, native.

CHARGE.—“Murder.”

Secification.—“In that Eugenio Inasuria, native, in company of, and consorting with, a band of ladrones armed with rifles and bolos, did willfully, feloniously, and with malice aforethought, murder and kill Emilio Bulatoa and Juan de Vera, natives, by shooting them and by cutting them, the above-named natives, with said rifles and bolos held in the hands of members of said band of ladrones, inflicting wounds therewith whereof they, the said Bulatoa and de Vera, then and there died. This on or about November 30, 1899, a time, then, as now, of insurrection, at or near Malasiqui Pangasinan, Luzon, P. I., a place, then, as now, under military government of the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Eugenio Inasuria, native: “To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Eugenio Inasuria, native, the accused was one of six armed men who, in the day time, seized two men in a house, dragged them therefrom and, after securing such valuables as they could find, took their victims into the fields and, with rifles and war bolos, killed them.

The accused, on the witness stand, admitted that the band killed the deceased, but claimed he was present through fear of one of their number. But there is no evidence that he was compelled, through danger to his own life, to be present, or that he is entitled to any more consideration than is due all other men who band themselves together with the intent to commit robbery and murder.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of his natural life. As thus mitigated, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 21, 1901.

General Orders, No. 100.

Before a military commission which convened at the pueblo of Binaloman, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department Northern Luzon, June 25, 1900, and of which Maj. Joseph W. Duncan, 13th U. S. Infantry, was president, and 1st Lieut. Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, were arraigned and tried: Feliciano Cariaga and Vinancio Cariaga, natives.

CHARGE.—“Murder.”

Specification.—In that Feliciano Cariaga and Vinancio Cariaga, natives, and each of them, in company of, and consorting with, armed outlaws to the number of ten, more or less, did wilfully, feloniously and with malice aforethought, murder and kill Mariano Andres by stabbing and cutting him, the said Andres, with bolos, held in the hands of the said Feliciano Cariaga and Vinancio Cariaga, and of the said outlaws, inflicting wounds therewith whereof the said Andres then and there died. This in time, then, as now of insurrection against the United States, on or about May 5, 1899, in or about Asingan, Province of Pangasinan, a place then, as now, in the theater of military operations by United States troops.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Feliciano Cariaga and Vinancio Cariaga, natives, and each of them: “To be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Feliciano Cariaga and Vinancios Cariaga, natives, who were jointly tried, it appears from the testimony that these accused called deceased out of his house and then set upon and hacked him to death with their bolos, in the presence of his wife and daughter; that the motive of the crime was the information

given by deceased against the accused, of stealing, killing, and appropriating to their use, a cow.

It further appears that the wife made immediate complaint of the crime to the presidente, that her testimony and that of her daughter was taken, but was construed as offset by the testimony of the wives of the accused, who maintained the innocence of their husbands, and they were accordingly, not brought to trial but set at liberty. Before the military commission the wife and daughter related the story of the crime, which is corroborated by evidence of the death by violence of the deceased at the time and place as charged.

The accused made no defense, but relied upon the fiction of a former trial, which, in fact, was never had.

There being no reasonable doubt of their guilt, the sentence, approved by the department commander is confirmed. The sentence is, however, commuted to confinement at hard labor for the period of their natural lives, and, as thus mitigated, will be duly executed.

The Presidio de Manila is designated as the place of confinement, to which the prisoners will be sent under proper guard.

By command of Major-General McArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 22, 1901.

General Orders, No. 103.

Before a military commission which convened at the pueblo of Nueva Caceres, Province of Camarines Sur, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 8, Headquarters Department of Southern Luzon, January 8, 1901, and of which Lieutenant-Colonel Almond B. Wells, 9th U. S. Cavalry, was president, and First Lieutenant James A. Ryan, 9th U. S. Cavalry, was judge-advocate, were arraigned and tried:

Rufino Zamudio, Gilio Alicante, Isidro de las Llagas, Higino Agabo, Tranquilino Santiago, Nicolas San Buenaventura, and Pedro San Juan, natives.

CHARGE I.—“Abduction.”

Specification 1.—“In that they, Rufino Zamudio, Gilio Alcante, Isidro de las Llagas, Nicolas San Buenaventura, and Pedro San Juan, natives and residents of the Province of Camarines, Luzon, P. I., on or about the 7th day of April, 1900, then, as now, a time of insurrection, at or near the barrio of Cabusao, jurisdiction of Libmanan, Province of Camarines, Luzon, P. I., a place now, as then, under the military authority of the United States, in company of, and consorting with, a band of outlaws armed with swords, bolos, and clubs, number and names unknown, did forcibly seize and carry away, against her will and consent, the person of Manuela Passion. This at the place and time above specified.

Specification 2.—“In that they, Rufino Zamudio, Isidro de las Llagas, Higino Agabo, Tranquilino Santiago, Nicolas San Buenaventura, and Pedro San Juan, natives and residents of the Province of Camarines, Luzon, P. I., on or about the 7th day of April, 1900, then, as now, a time of insurrection, at or near the barrio of Cabusao, jurisdiction of Libmanan, Province of Camarines, Luzon, P. I., a place now, as then, under the military authority of the United States, in company of and consorting with, a band of outlaws armed with swords, bolos, and clubs, number and names unknown, did forcibly seize and carry away, against their will and consent, the following named persons: Pedro San Vicente, Euphemia San Vicente, Pedro Macauli, Euduviges Guerrero, Maria Guerrero, Valero Guerrero, Mariano Calbaltea, Maximo Gonzales, Alejandro, surname unknown, and Aguilina, surname unknown. This at the place above specified.”

CHARGE II.—“Assault with intent to kill.

Specification.—“In that they, Rufino Zamudio, Isidro de las Llagas, Higino Agabo, Tranquilino Santiago, Nicolas San Buenaventura, and Pedro San Juan, natives and residents of the Province of Camarines, Luzon, P. I., on or about the 7th day of April, 1900, then, as now, a time of insurrection, at or near the barrio of Cabusao, jurisdiction of Libmanan, Province of Camarines, Luzon, P. I., a place now, as then, under the military authority of the United States, in company of, and consorting with, a band of outlaws armed with swords, bolos, and clubs, number and names unknown, did make, and cause to be made, a violent assault upon the persons of Euphemia San Vicente, Maria Guerrero, and Maximo Gonzales, by striking them and causing them to be struck by bolos or clubs or both, held in the hands of members

of said band, inflicting therewith wounds upon the persons of the said Euphemia San Vicente, Maria Guerrero, and Maximo Gonzales, with intent, then and there, feloniously, wilfully, and with malice aforethought, to kill and murder the said Euphemia San Vicente, Maria Guerrero, and Maximo Gonzales. This at the time and place above specified."

CHARGE III.—"Murder."

Specification 1.—"In that they, Rufino Zamudio, Gilio Alicante, Isidro de las Llagas, Nicolas San Buenaventura, and Pedro San Juan, natives and residents of the Province of Camarines, Luzon, P. I., on or about the 7th day of April, 1900, then, as now, a time of insurrection, at or near the barrio of Cabusao, jurisdiction of Libmanan, Province of Camarines, Luzon, P. I., a place, now, as then, under the military authority of the United States, in company of, and consorting with, a band of outlaws armed with swords, bolos, and clubs, number and names unknown, did wilfully, feloniously, and with malice aforethought, kill and murder Manuela Passion by striking her, and causing her to be struck, by a bolo, held in the hands of members of said band, inflicting therewith wounds from which the said Manuela Passion, then and there, or shortly afterwards, died. This at the time and place above specified."

Specification 2.—"In that they, Rufino Zamudio, Isidro de las Llagas, Higino, Agabo, Tranquilino Santiago, Nicolas San Buenaventura and Pedro San Juan, natives and residents of the Province of Camarines, Luzon, P. I., on or about the 7th day of April, 1900, as now, a time of insurrection, at or near the barrio of Cabusao, jurisdiction of Libmanan, Province of Camarines, Luzon, P. I., a place now, as then, under the military authority of the United States, in company of, and consorting with, a band of outlaws armed with swords, bolos, and clubs, number and names unknown, did wilfully, feloniously, and with malice aforethought, kill and murder the following named persons: Pedro San Vicente, Pedro Macauli, Euduviges Guerrero, Maria Guerrero, Valero Guerrero, Mariano Calbaltea, Alejandro, surname unknown, and Aguilina, surname unknown, by striking them and causing them to be struck by bolos and clubs, or both, held in the hands of members of said band, inflicting wounds therewith from which said Pedro San Vicente, Pedro Macauli, Euduviges Guerrero, Maria Guerrero, Valero Guerrero, Mariano Calbaltea, Alejandro, surname unknown, and Aguilina, surname unknown, then and there, or shortly afterwards, died. This at the time and place above specified."

CHARGE IV.—"Guerrilla warfare, in violation of the laws and usages of war."

Specification.—"In that he, Rufino Zamudio, native, and chief of a band of outlaws to the number of twenty-five, more or less, armed with deadly weapons, to wit, swords, bolos, and clubs, on or about the 7th day of April, 1900, then, as now, a time of insurrection, at or near the barrio of Cabusao, pueblo of Libmanan, Camarines Sur, Island of Luzon, P. I., a place now, as then, under the military government of the United States, did order, direct and cause the killing of certain peaceable natives, consisting of men, women and children, to the number of eleven persons, by the members of said band of outlaws, in violation of laws and usages of war. This at the time and place above specified."

PLEAS.—"Not guilty."

FINDINGS.—Rufino Zamudio: Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the first specification, third charge, "guilty;" of the second specification, third charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the third charge, "guilty;" of the specification, fourth charge, "guilty;" of the fourth charge, "guilty."

Isidro de las Llagas: Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the first specification, third charge, "guilty;" of the second specification, third charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the third charge, "guilty."

Higino Agabo: Of the second specification, first charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the second specification, third charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the third charge, "guilty."

Gilio Alicante: Of the first specification, first charge, "guilty;" of the first charge, "guilty;" of the first specification, third charge, "guilty;" of the third charge, "guilty."

Nicolas San Buenaventura: Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the first specification, third charge, "guilty;" of the second specification, third charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the third charge, "guilty."

Pedro San Juan: Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the first charge "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the first specification, third charge, "guilty;" of the second specification, third charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the third charge, "guilty."

Tranquilino Santiago: Of the second specification, first charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the second specification, third charge, "guilty, except the words 'Pedro Macauli,' and of the excepted words, not guilty;" of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence the accused:

Rufino Zamudio, Gilio Alicante, Isidro de las Llagas, and Higino Agabo, natives, and each of them, "To be hanged by the neck until they, and each of them, are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

Nicolas San Buenaventura and Pedro San Juan, natives, and each of them, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of five years."

Tranquilino Santiago, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of two years."

In the foregoing case of Rufino Zamudio, Gilio Alicante, Isidro de la Llagas, Higino Agabo, Tranquilino Santiago, Nicolas San Buenaventura, and Pedro San Juan, natives, it appears from the record that Rufino Zamudio had been an insurgent soldier, and, while residing at Cabusao, conceived the idea of styling himself a chief; that, aided and abetted by two or three Tagalog insurgents and a few confederates of the barrio, he caused notice to be served upon the people to assemble at a given place in order to be presented to one General Santos, who would punish them if they failed to obey. Men, women, and children obeyed the mandate, and, in coming together, the men were told by the said Zamudio that they were required to take an oath to resist the Americans to the death. After the oath had been administered and the men made to kiss and pass under crossed swords, they were formed in ranks and given orders to take certain persons to another place, there to be presented to General Santos. As the evidence shows, the use of the name of General Santos by the leaders of this band of assassins was but a cruel deception whereby they veiled their sinister design of introducing their intended victims, by death, to another world. Their victims were selected from the relations and friends of a native pilot on a steamboat engaged between Manila and Nueva Caceres. Upon the slender pretext that this pilot must be an Americanista, eleven persons, among them one aged woman and four children of tender age, were taken into the fields, on their way to be presented to the fictitious General Santos, and there brutally assaulted with clubs and bolos until left for dead. Three of the victims revived, two succeeded in reaching succor and safety, while the other, being betrayed in the house she had reached, was again seized by three men—one of whom was Higino Agabo, of the accused—and her almost lifeless body taken on a carabao cart to the fields again, since when she has not been seen.

Two of the survivors exhibited to the commission many scars of the frightful wounds they received when left for dead, and, as witnesses, related many details of the crime. Their testimony is confirmed by other witnesses. That at least seven men, women, and children of both sexes lost their lives at the hands of these accused there is no reasonable doubt.

The deceptive manner in which some of these accused were called together, made to take the oath, to form in ranks and be told off in parties—one party to take the men and boys and the other the women and young girls, and witness their death, and aid, in some instances, in the act of murder—has moved the department commander, in his approval of the sentences, to remit that of Tranquilino Santiago. The action of the department commander being final in all of the cases of these accused except Rufino Zamudio, Gilio Alicante, Isidro de las Llagas, and Higino Agabo, their sentence is confirmed, but in the cases of Gilio Alicante and Isidro de las Llagas is commuted to confinement at hard labor for life, at the Presidio de Manila, to which place they will be sent under proper guard.

In the cases of Rufino Zamudio and Higino Agabo, the sentence will be duly executed at the pueblo of Nueva Caceres, province of Camarines Sur, Luzon P. I., on, the fifth (5th) day of July, A. D. 1901, under the direction of the commanding general Department of Southern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 31, 1901.

General Orders, No. 108.

Before a military commission which convened at Gerona, province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Captain Robert K. Evans, 12th U. S. Infantry, was president and 1st Lieutenant George H. Shields, jr., 12th U. S. Infantry, was judge-advocate, was arraigned and tried Juan Aganon, a native.

CHARGE.—“War rebel.”

Specification.—“In that Juan Aganon, native, in territory occupied by United States troops, at a time, then as now, of insurrection against the lawful authority of the United States, without being part or portion of any organized hostile army, and without sharing continuously in the insurrection, but living habitually at his home, following a peaceful avocation without the character or appearance of a soldier, did order the inhabitants of the barrios of Pura to enter the pueblo for the purpose of assassinating the chief of police, Esteban Versosa, attacking the American troops stationed there, and to cut the telephone wires in habitual use by the United States military authorities for the transaction of public business, and in compliance with these orders, the pueblo of Pura was entered, the chief of police badly wounded, and the telephone wire between Pura and Victoria cut. This on or about October 14, 1900, at or near the pueblo of Pura, Tarlac Province, P. I.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Juan Aganon, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct. Two-thirds of the members concurring.”

In the foregoing case of Juan Aganon, native, no issue of fact is raised, both charge and specification being admitted by the plea of “guilty,” entered by the accused, and his criminal culpability is thereby acknowledged.

It is shown that the accused, while living within the lines of the American forces in the guise of habitual peaceful avocation, and without being a portion of any organized hostile army or having the appearance or character of a soldier, did actively exert his energies to the assistance of the enemy and the injury of the American Government, the benefits of whose protection he was accepting. It is shown that in obedience to orders, he cut the telephone wires, caused to be executed an attempt at the assassination of the chief of police of Pura, resulting in the serious wounding of that official; and that he prearranged an attack on the troops there stationed.

Of such war rebels the laws of nations and of war have definitely fixed the status, and the authorized penalty is that of death.

The sentence, approved by the department commander, is confirmed, but, in the spirit of his recommendation, and in view of the dominant political aspect of the case, is commuted to imprisonment at hard labor for the term of ten (10) years.

The Presidio de Manila is designated as the place of confinement, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila P. I., May 31, 1901.

General Orders, No. 109.

Before a military commission which convened at Tarlac, Province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Captain Robert K. Evans, 12th

U. S. Infantry, was president and 1st Lieutenant George H. Shields, jr., 12th U. S. Infantry, was judge-advocate, were arraigned and tried: Agapito Baun, Pablo Lorenzo and Claro Lorenzo, natives.

CHARGE I.—“Murder.”

Specification.—“That on the night of the 24th day of July, A. D. 1900, then as now a time of insurrection, at the barrio of San Carlos, pueblo of Murcia, Province of Tarlac, Island of Luzon, of the Philippine Islands, a place then as now under the military occupation and government of the United States, Agapito Baun, Pablo Lorenzo and Claro Lorenzo, Filipinos and residents of said Province of Tarlac, in company of and consorting with other natives to the number of six, more or less, armed with bolos and rifles, did feloniously, wilfully and with malice aforethought murder and kill Delmosio Gutierrez and Agrifino Baun, Filipinos, and residents of said barrio of San Carlos, a barrio of pueblo of Murcia, Province of Tarlac, by then and there cutting the said Delmosio Gutierrez and Agrifino Baun, with bolos held in the hands of the said Agapito Baun, Pablo Lorenzo and Claro Lorenzo, and of their companions to the number of six, more or less, then and there inflicting upon the said Delmosio Gutierrez and Agrifino Baun, divers cuts and wounds by reason of which said cuts and wounds the said Delmosio Gutierrez and Agrifino Baun, then and there died.”

CHARGE II.—“Abduction.”

Specification.—“That on the night of the 24th day of July, A. D. 1900, then as now a time of insurrection at the barrio of San Carlos, pueblo of Murcia, Province of Tarlac, Island of Luzon of the Philippine Islands, a place then as now under the military occupation and government of the U. S., Agapito Baun, Pablo Lorenzo; and Claro Lorenzo, Filipinos and residents of the said Province of Tarlac, in company of and consorting with other natives to the number of seven, more or less, did feloniously, willfully and with malice aforethought, abduct and carry away Antonia de Leon, Placida Gutierrez, Potenciana Gutierrez, women and Filipinos, and Marcelo Gutierrez and Feliz Baun, children and Filipinos, residents of said barrio of San Carlos, a barrio of pueblo of Murcia, Province of Tarlac, by then and there forcing the said Antonia de Leon, Placida Gutierrez, Potenciana Gutierrez, women, and Marcelo Gutierrez and Feliz Baun to accompany the said Agapito Baun, Pablo Lorenzo and Claro Lorenzo and their companions to the number of six, more or less, west in the direction of the mountains of Marionnes and the river O'Donnel, from which the said Antonia de Leon, Placida Gutierrez, Potenciana Gutierrez, Marcilo Gutierrez, and Feliz Baun have never returned, nor been heard from since said night of July 24, A. D. 1900.”

CHARGE III.—“Intimidation and assault.”

Specification.—“That on the night of the 24th day of July, A. D. 1900, at about and between the hours of 10 p. m. and 12 p. m., then as now a time of insurrection at the barrio of San Carlos, pueblo of Murcia, Province of Tarlac, Island of Luzon, of the Philippine Islands, a place then as now under the military occupation and government of the United States, Agapito Baun, Pablo Lorenzo and Claro Lorenzo, Filipinos and residents of the said Province of Tarlac, in company of and consorting with others to the number of six, more or less, did feloniously, willfully and with malice aforethought, assault and intimidate Miguel Torres, Filipino and a resident of the said barrio of San Carlos, and an officer of the civil government of said barrio of San Carlos, while on duty as official of said barrio of San Carlos at the guardhouse of said barrio of San Carlos, by seizing and tying the said Miguel Torres to a post in said guardhouse of said barrio of San Carlos, and threatening the said Miguel Torres' life if he reported to the U. S. military force at Sitio Burut R. R. station in Murcia, Province of Tarlac, to the effect that said Miguel Torres was unable to pursue his official duties by fear of said Agapito Baun, Pablo Lorenzo and Claro Lorenzo.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Agapito Baun, Pablo Lorenzo, and Claro Lorenzo, natives, and each of them: “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring.”

In the foregoing case of Agapito Baun, Pablo Lorenzo, and Claro Lorenzo, natives, it appears from the record that a party of outlaws entered a small barrio at night, seized and bound the watchman, and then proceeded to murder a man and a boy about eight years of age; that they then set fire to the house of the dead man, in the debris of which his charred remains were found, abducted his wife, two other women and two children, none of whom have since been seen in life. It further appears that these accused did not come into the barrio with the band, but being there resident, they armed and joined themselves to the outlaws in the perpetration of these

crimes. Except an intimation rather than proof of a feud between the families of Baun and Gutierrez, there appears no motive for the killing of so many helpless people.

It is not clear, however, that these accused were the instigators or principal actors, but it is proven beyond a reasonable doubt that they, by their presence, countenanced these crimes and in a large measure are jointly responsible therefor.

The sentence, approved by the department commander, is confirmed, but is commuted to confinement at hard labor for the period of their natural lives. The Presidio de Manila is designated as the place of confinement, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 6, 1901.

General Orders, No. 114.

Before a military commission which convened at Iba, province of Zambales, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 143, Headquarters Department of Northern Luzon, September 23, 1900, and of which Captain Harry A. Leonhaeusar, 25th U. S. Infantry, was president, and Second Lieutenant Harol D. Coburn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Elias Agpalo, a native.

CHARGE I.—“Murder.”

Specification 1.—“In that he, Elias Agpalo, native, did, with malice aforethought, feloniously and willfully kill and murder one Narciza Amigable, native, during the month of October, 1899, date not known, then, as now, a time of insurrection against the United States, in the town of San Marcelino, province of Zambales, P. I., a place then, as now, under the military government of the United States, by cutting and stabbing said Amigable with a bolo held in the hands of said Agpalo, inflicting wounds therewith whereof the said Amigable then and there died.”

Specification 2.—“In that he, Elias Agpalo, native, did, with malice aforethought, feloniously and willfully kill and murder one Severino Amigable, native, during the month of October, 1899, date not known, then, as now, a time of insurrection against the United States, in the town of San Marcelino, province of Zambales, P. I., a place then, as now, under the military government of the United States, by cutting and stabbing the said Amigable with a bolo held in the hands of said Agpalo, inflicting wounds therewith whereof the said Severino Amigable then and there died.”

Specification 3.—“In that he, Elias Agpalo, native, did, with malice aforethought, feloniously and willfully kill and murder one Diega de la Cruz, wife of Severino Amigable, native, during the month of October, 1899, date not known, then, as now, a time of insurrection against the United States, in the town of San Marcelino, province of Zambales, P. I., a place then, as now, under the military government of the United States, by cutting and stabbing said Diega de la Cruz, with a bolo held in the hands of said Agpalo, inflicting wounds therewith whereof the said Diega de la Cruz then and there died.”

CHARGE II.—“Assault and battery with intent to kill.”

Specification.—“In that he, Elias Agpalo, native, did make a violent assault upon one Mateo Isidro, native, during the month of October, 1899, date not known, then, as now, a time of insurrection against the United States, in the town of San Marcelino, province of Zambales, P. I., a place then, as now, under the military government of the United States, by cutting and stabbing the said Isidro with a bolo held in the hands of said Agpalo, with intent then and there feloniously, willfully, and with malice aforethought, to kill and murder the said Mateo Isidro.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “not guilty;” of the second specification, first charge, “guilty, except the words, ‘with malice aforethought’ and ‘murder,’ and of the excepted words, not guilty;” of the third specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty, except the words, ‘and with malice aforethought’ and the words, ‘and murder,’ and of the excepted words, not guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Elias Agpalo, native, “To be confined at hard labor, at such place as the reviewing authority may direct, for a period of fifteen (15) years.”

In the foregoing case of Elias Agpalo, native, it is shown that the accused entered the house of one Severino Amigable; that shortly thereafter women’s screams were

heard issuing from this house, and, upon a neighbor entering to ascertain the cause, he saw the accused with a bloody bolo in his hands and Severino Amigable, his wife, Diega, and his 18-year-old daughter lying dead on the floor and hacked with bolo cuts. This neighbor himself was then attacked by accused with his bolo, wounded upon the shoulder and arm, and immediately thereafter accused fled.

On behalf of the prosecution, in addition to the above, a voluntary confession was admitted in evidence to the following effect. Accused stated: "I was passing the house of these victims, whose names I do not remember. The old woman was sitting in the window and asked me to come in. I went in because I was looking for her son, who was a policeman (as was accused). After entering, the old man, who was in bed with a blanket, got up, took a bolo and struck me across the throat. I started to fight, and cut the old man with the bolo first; I then cut the old lady and she died, then the old man started to fight and I killed him. The young girl then took hold of my arm and begged me not to kill her, but I, thinking I was going to die from the wounds I had received, thought I would kill her that she might not marry anyone else, and I did kill her; then a man came up and I cut him with a bolo also."

The evidence of the witness, Mateo Isidro, the neighbor who was attacked, is to the effect that when he entered the room where were accused and his victims, the only bolo there was the one in the hands of the accused, and that accused was not wounded. With the exception of the finding and identification of the dead bodies by the son of Severino Amigable, the above constitutes the case of the prosecution. No evidence was offered by accused, and he declined to be sworn or to make any statement.

On this evidence the commission has found the accused not guilty of the murder of Narciza Amigable, whom he says he killed in order to prevent her from marrying another, and whom the witness, Mateo Isidro, testified he saw lying dead at the feet of accused, who held a bolo in his hand. Of the killing of Severino Amigable and his wife, Diega, accused was found guilty, but without "malice aforethought," and not guilty of murder, but of manslaughter. Of an assault with intent to kill, committed upon Mateo Isidro, he is found guilty, and his sentence on the whole case was fixed at ten years' imprisonment at hard labor, subsequently revised to fifteen years, with a revised finding as above set forth.

Under the circumstances, to make comment or remark is deemed needless and nugatory, further than to concur in the view expressed by the department commander that the sentence is deemed inadequate.

Subject to the foregoing remark the sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 6, 1901.

General Orders, No. 115.

Before a military commission which convened at Villasis, Province of Pangasinan Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220, Headquarters Department of Northern Luzon, December 8, 1900, and of which Captain Samson L. Faison, 13th U. S. Infantry, was president, and First Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, were arraigned and tried Faustino Mago and Fortunato Abanlog, natives.

CHARGE.—"Murder."

Specification.—"In that Faustino Mago and Fortunato Abanlog, natives, in company of, and consorting with, a band of armed ladrones, willfully, feloniously, and with malice aforethought, murder and kill Santiago Ramos, by stabbing him with daggers held in the hands of said Mago and said ladrones, inflicting wounds therewith whereof the said Ramos then and there died. This, on or about December 11, 1899, in time, then, as now, of insurrection, at or near Villasis, Pangasinan, P. I., a place, then, as now, under the military government of the United States."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Faustino Mago, native, "To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

And the commission does therefore sentence him, Fortunato Abanlog, native, "To

be confined at hard labor, at such place as the reviewing authority may direct, for the period of 25 years.

In the foregoing case of Faustino Mago and Fortunato Abanlog, natives, it appears that the former was the leader and the latter a member of an armed band of outlaws, which, on about December 11, 1899, sequestered and murdered by stabbing with daggers one Santiago Ramos, suspected of being an American spy. The actual killing was consummated by Faustino Mago and Fortunato Abanlog, the latter acting under the orders of the former, though undoubtedly a willing member of the band of outlaws and participator in its general criminal operations, but in this particular crime, it is apparently shown in the case for the prosecution that he participated under the direct order and immediate coercion of Mago, who threatened him with his gun. This circumstance must be considered in fixing the degree of crime.

The sentence, approved by the department commander, is confirmed, but as to accused Faustino Mago, must be inoperative, as he has already suffered the penalty of death for a similar crime. As to accused Fortunato Abanlog, in conformity with the recommendation of the department commander, the sentence is mitigated to imprisonment at hard labor for the term of 15 years, and as thus mitigated the sentence will be duly executed at the Presidio de Manila, to which place this prisoner will be sent, under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 11, 1901.

General Orders, No. 116.

Before a military commission which convened at the pueblo of Villasis, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220, Headquarters Department of Northern Luzon, December 8, 1900, and of which Captain Samson L. Faison, 13th U. S. Infantry, was president, and First Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Fulgencio Bascos, native.

CHARGE.—“Murder.”

Specification.—“In that Fulgencio Bascos, native, in company of and consorting with a band of ladrones, armed with rifles, did willfully, feloniously, and with malice aforethought, murder and kill Miguel Barientos, vice-presidente of Villasis, Pangasinan, P. I., by shooting him, the said Barientos, with rifles held in the hands of members of said band of ladrones, inflicting wounds therewith, whereof the said Barientos then and there died. This on or about December 10, 1899, in time, then, as now, of insurrection, at or near Villasis, Pangasinan, P. I., a place then, as now, under the military government of the United States.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, “guilty, except the words ‘in company of and consorting with, a band of ladrones, armed with rifles,’ substituting therefor, ‘armed with a rifle,’ and except the word ‘rifles’ after the words ‘the said Barientos, with,’ substituting therefor the words ‘a rifle,’ and except the words ‘members of said band of ladrones,’ substituting therefor the words ‘one Augustin Macabitas, native,’ and of the excepted words in each case, not guilty, and of the substituted words in each case, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Fulgencio Bascos, native, “To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case it appears that the accused, Fulgencio Bascos, native, captured, at the muzzle of his rifle, one Miguel Barientos, vice-presidente of Villasis, and then forced by threats and blows a lad of seventeen years of age to shoot his victim from behind, at a range of some twenty feet, from the effects of which shot the deceased then and there died.

There is some evidence that the victim belonged to a rival faction to that represented by accused and had taken part in an attack upon the pueblo of which the accused was a subcabeza.

The sentence, approved by the department commander, is confirmed, but, as recommended by him, is commuted to imprisonment at hard labor for the term of twenty (20) years, and as thus commuted will be duly executed at the Presidio de Manila, to which place the accused, Fulgencio Bascos, will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 11, 1901.

General Orders, No. 117.

Before a military commission which convened at the pueblo of Nueva Caceres, province of Camarines Sur, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 8, Headquarters Department of Southern Luzon, January 8, 1901, and of which Lieut. Col. Almond B. Wells, 9th U. S. Cavalry, was president, and First Lieut. James A. Ryan, 9th U. S. Cavalry, was judge-advocate, was arraigned and tried Querino Biday, native.

CHARGE I.—“Kidnaping.”

Specification.—“In that Querino Biday, native, in company of and consorting with a band of armed outlaws, to the number of five, more or less, did enter the house of one Ramuda Apopos, native, and did forcibly seize, bind, and carry away one Donicio Noqui, native, against his will and consent. This, in or about the month of June, 1900, then, as now, a time of insurrection, at or near the sitio of Taririg, pueblo of Minalabag, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States.”

CHARGE II.—“Murder.”

Specification.—“In that Querino Biday, native, in company of and consorting with a band of armed outlaws, to the number of five, more or less, did willfully, feloniously, and with malice aforethought, kill and murder one Donicio Noqui, by stabbing him with a dagger, held in the hands of said Querino Biday, inflicting therewith wounds from which the said Donicio Noqui then and there shortly afterwards died. This in or about the month of June, 1900, then, as now, a time of insurrection, near the house of one Botor, pueblo of Minalabag, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States.”

PLEA.—“Not guilty.”

FINDINGS.—Of the specification, first charge, “guilty except the words ‘did enter the house of one Ramudo Apopos, and.’” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Querino Biday, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for the rest of his natural life.”

In the foregoing case it appears that the accused, Querino Biday, was one of a band of five armed outlaws, who seized and carried off from the sitio of Taririg, Camarines Sur, one Donicio Noqui, who was subsequently accused of being a Macabebe and American spy, and upon his denial, the accused plunged a dagger into his heart from the effects of which he died.

No reasonable doubt of the guilt of the accused arises from the record, and no mitigating circumstance accompanied the perpetration of the deed.

The commission trying the cause fell into error by omitting to find accused not guilty of the excepted words in its findings, but, as these exceptions were entirely immaterial as affecting the merits of the cause, and in no wise affect a substantial legal right of the accused, the error is not fatal.

The sentence, approved by the department commander is confirmed, and will be duly executed at the Presidio de Manila, to which place the accused, Querino Biday, will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 13, 1901.

General Orders, No. 118.

Before a military commission which convened at the pueblo of Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 234, Headquarters Department of Northern Luzon, December 23, 1900, and of which Maj. Charles L. Hodges, 17th U. S. Infantry, was president, and Second Lieut. John R. Thomas, jr., 17th U. S. Infantry, was judge-advocate, was arraigned and tried Isidro Velasco, a native.

CHARGE I.—“Murder.”

Specification 1.—“In that Isidro Velasco, native, in company of and consorting with a band of outlaws numbering seven, more or less, armed with rifles and bolos, did willfully, feloniously, and with malice aforethought kill and murder four natives, Manuel Tandoc, Biviana Mandap, Benigno Tandoc, and Valentin Tandoc, by hanging them

to a limb of a tree and by shooting them with rifles and cutting them with bolos held in the hands of the said Isidro Velasco, of which hanging to the limb of a tree and of which wounds then and there inflicted by shooting them with rifles and cutting them with bolos held in the hands of the said Isidro Velasco, the said Manuel Tandoc, Biviana Mandap, Benigno Tandoc, and Valentin Tandoc, then and there died. This in time, then as now, of insurrection against the United States, on or about June 18, 1900, in the mountains about seven miles west of Aguilar, province of Pangasinan, a place then, as now, in the theater of active military operations.

Specification 2.—“In that Isidro Velasco, in company of and consorting with a band of outlaws, to the number of seven, more or less, armed with rifles and bolos, did willfully, feloniously, and with malice aforethought kill and murder Pioquinto Zamuco and Julian Zamuco, by shooting them with rifles and cutting them with bolos, thereby inflicting wounds, whereof they, the said Pioquinto Zamuco and Julian Zamuco, natives, then and there died. This in time, then as now, of insurrection against the United States, on or about December 18, 1899, at or near the pueblo of Aguilar, province of Pangasinan, a place then, as now, in the theater of active military operations.”

Specification 3.—“In that Isidro Velasco, in company of and consorting with a band of outlaws, to the number of seven, more or less, armed with rifles and bolos, did willfully, feloniously, and with malice aforethought kill and murder one Catalino Ulanday, native, by shooting him and stabbing him with bolos held in the hands of Isidro Velasco and throwing his body into the river, inflicting wounds therewith whereof he, the said Catalino Ulanday, then and there died. This in time, then as now, of insurrection against the United States, on or about December 15, 1899, at or near the pueblo of Aguilar, province of Pangasinan, a place then, as now, in the theater of active military operations.”

Specification 4.—“In that Isidro Velasco, in company of and consorting with a band of outlaws, to the number of seven, more or less, armed with rifles and bolos, did willfully, feloniously, and with malice aforethought kill and murder Vicente Suniga, native, by shooting him with rifles and cutting him with bolos, thereby inflicting wounds whereof the said Vicente Suniga then and there died. This in time, then as now, of insurrection against the United States, on or about September 15, 1899, at or near the pueblo of Aguilar, province of Pangasinan, a place then, as now, in the theater of active military operations.”

CHARGE II.—“Kidnapping.”

Specification.—“In that Isidro Velasco, in company of and consorting with a band of armed outlaws, to the number of seven, more or less, did feloniously and forcibly seize, kidnap, carry away, and restrain against his will Vicente Mainerto, native. This at or near Aguilar, province of Pangasinan, a place then, as now, in the theater of active military operations, on or about December 20, 1899, in time of insurrection.”

CHARGE III.—“Robbery.”

Specification.—“In that Isidro Velasco, in company of and consorting with an armed band of outlaws, to the number of seven, more or less, did feloniously and forcibly take, steal, and drive away vacas, to the number of twelve, more or less, the property of Saturnino Zaratan. This at Aguilar, province of Pangasinan, on or about December 27, 1899, then, as now, in the theater of active military operations.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “guilty, excepting the words ‘kill and murder four natives, Manuel Tandoc, Biviana Mandap, Benigno Tandoc, and Valentin Tandoc, by hanging them to a limb of a tree and by shooting them with rifles and cutting them with bolos held in the hands of the said Isidro Velasco, of which hanging to the limb of a tree and of which wounds then and there inflicted by shooting them with rifles and cutting them with bolos held in the hands of the said Isidro Velasco,’ substituting therefor the words ‘order the said band to kill and murder four natives, Manuel Tandoc, Biviana Mandap, Benigno Tandoc, and Valentin Tandoc, which order was executed by said band, by hanging them, Manuel Tandoc, Biviana Mandap, Benigno Tandoc, and Valentin Tandoc, to a limb of a tree, of which hanging,’ of the excepted words not guilty, of the substituted words guilty.” Of the second specification, first charge, “not guilty.” Of the third specification, first charge, “not guilty.” Of the fourth specification, first charge, “not guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.” Of the specification, third charge, “guilty.” Of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Isidro Velasco, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty-five years.”

In the foregoing case it appears that the accused, Isidro Velasco, native, was the

leader of a band of outlaws and ordered and caused to be consummated the killing by hanging of Manuel Tandoc, Biviana Mandap, his wife, and Benigno Tandoc, and Valentin Tandoc, their children, on the accusation that they "told too many tales."

On another occasion this accused and his band kidnapped and kept prisoner one Vicente Mamerto, at or near Aguilar, Pangasinan, and it is shown that they robbed another native of some twelve head of cattle.

The cruel and inhuman hanging of a woman and her children is not susceptible of justification to any degree, and the statements of the accused that he ordered the consummation of his heinous crime in pursuance to an order of a superior of one grade above him can have no weight as affecting his criminality.

Although deemed inadequate, the sentence is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 13, 1901.

General Orders, No. 119.

Before a military commission which convened at the Pueblo of Gerona, Province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Capt. Robert K. Evans, Twelfth United States Infantry, was president, and First Lieut. George H. Shields, jr., Twelfth United States Infantry, was judge-advocate, were arraigned and tried: Pedro Mercado, Victoriano de O'Campo, Martin Gamboa, and Magno Simbulan, natives.

CHARGE.—"Murder."

Specification.—"In that Pedro Mercado, Victoriano de O'Campo, Martin Gamboa, and Magno Simbulan, natives, and each of them, at the barrio of Pinasling, of the Pueblo of Gerona, Province of Tarlac, Luzon, P. I., in territory then, as now, occupied by United States troops, at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought, kill and murder a native, name unknown, by stabbing the said native with a knife held in the hands of the said Pedro Mercado. This at the place above specified, in the month of January, 1900."

PLEAS.—"Guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Pedro Mercado, Victoriano de O'Campo, Martin Gamboa, and Magno Simbulan, natives, and each of them, "to be hanged by the neck until dead, and at such time and place as the reviewing authority may direct, two-thirds of the members concurring."

In the foregoing case of Pedro Mercado, Victoriano de O'Campo, Martin Gamboa, and Magno Simbulan, natives, who were jointly tried, it appears that in obedience to the orders of a local outlaw or guerrilla chief these accused, while following the usual avocations of peace, kidnapped a Macabebe because he was "working for the Americans," and, taking him beyond the sight of the passersby, stabbed him to the heart with a dagger. Armed followers of the chief stood by to witness the execution. As in many like cases where the temporarily impressed followers of the chiefs of banditti do murder, it is impracticable to define the degree of willing acquiescence or the extent of the duress under which they act. It is known that these chiefs hold over their followers the threat of death, which they are swift to execute upon the disobedient. Moved apparently by these considerations, the department commander, in approving the sentence, has recommended its commutation to life imprisonment in the case of all these accused except one.

The sentence is confirmed, but is commuted to imprisonment at hard labor for life in the case of each.

Bitter as the lesson is, it must be learned that all men who join themselves in bands to accomplish unlawful purposes must choose between the danger of disobedience to the chiefs of such bands and the danger of the penalties of the law, which holds each one to be guilty for the acts of all. If two or twenty or any number of men conspire together to kill a peaceful, law-abiding man, each and all are guilty of murder, and must expect to pay the penalty of the law, which is death.

These accused were at liberty and had full opportunity to claim the protection of the American garrison in their midst, but they deliberately concealed the design of

their chiefs to kill their victim, and they themselves assassinated him. Such is their own admission.

The Presidio de Manila is designated as the place of confinement to which the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 13, 1901.

General Orders, No. 120.

Before a military commission which convened at the pueblo of Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Capt. Harry C. Benson, Fourth United States Cavalry, was president, and Second Lieut. Sylvester Bonnaffon, Thirteenth United States Infantry, was judge-advocate, were arraigned and tried: Marcelino Ferrer, Domingo Ferrer, Serapio de los Santos, and Francisco Reyes, natives.

CHARGE I.—“Kidnapping.”

Specification.—“In that they, Marcelino Ferrer, Domingo Ferrer, Serapio de los Santos, and Francisco Reyes, natives, and each of them, in company of and consorting with a band of men to the number of six, more or less, armed with bolos, did forcibly seize, tie, bind, and lead away from his place of abode and against his will one Edwardo Ferrer, native. This at or near the barrio of Alangso, pueblo of San Carlos, province of Pangasinan, Luzon, P. I., a place then, as now, within the theatre of active military operations by United States forces, on or about November 17, 1899, a time then, as now, of insurrection against the United States.”

CHARGE II.—“Murder.”

Specification.—“In that they, Marcelina Ferrer, Domingo Ferrer, Serapio de los Santos, and Francisco Reyes, natives, and each of them, as members of a band of armed men, to the number of six, more or less, did wilfully, feloniously, and with malice aforethought, kill and murder one Edwardo Ferrer, a native, by cutting and hacking said Ferrer with a bolo or bolos, held in the hands of a member or members of said band, inflicting wounds therewith whereof the said Ferrer then and there died. This at or near the barrio of Sangasang, pueblo of San Carlos, province of Pangasinan, Luzon, P. I., a place then, as now, within the theatre of active military operations by United States troops, on or about the 17th of November, 1899, a time then, as now, of insurrection against the United States.”

PLEAS.—“Not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, except the words, ‘his place of abode,’ substituting therefor the words, ‘a rice field in a place called Cabol;’ of the excepted words, not guilty of the substituted words, guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Marcelino Ferrer, Domingo Ferrer, Serapio de los Santos, and Francisco Reyes, natives, and each of them, “to be hanged by the neck until each of them are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the forgoing case it appears that these accused, Marcelino Ferrer, Domingo Ferrer, Serapio de los Santos, and Francisco Reyes, natives, in company with an armed band of outlaws, on the 17th day of November, 1899, seized, bound, and carried off from his work in the rice fields, one Edwardo Ferrer, conveyed him to an isolated spot in the woods, and there murdered him with bolos. In view of the fact that the commission of this crime was in a time of general lawlessness, when no form of government had effective occupancy of the locality where it was committed, the reviewing authority is disinclined to sanction the infliction of the extreme penalty.

The sentence, approved by the department commander, is confirmed, but is commuted as to each of these accused to imprisonment at hard labor for the term of his natural life. As thus commuted the sentence will be duly executed at the Presidio de Manila, to which place these prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 13, 1901.

General Orders, No. 121.

Before a military commission which convened at the pueblo of Moncada, Tarlac Province, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, November 9, 1900, Headquarters Department of Northern Luzon, and of which Capt. Robert K. Evans, 12th U. S. Infantry, was president, and First Lieut. George H. Shields, jr., 12th U. S. Infantry, was judge-advocate, was arraigned and tried:

I. Placido Cuchapin, a native.

CHARGE I.—“Treachery in office in violation of the laws of war.”

Specification 1.—“In that he, Placido Cuchapin, being duly installed presidente of Moncada, under the authority of the United States, did hold communication with the enemy by receiving in the Presidencia of Moncada one Maximino Paraso, an insurgent captain, and a bearer of orders from Fructuoso Sembrano, a guerrilla chief. This at Moncada, province of Tarlac, P. I., in territory occupied by the United States, on October 13, 1900, between 7 and 8 p. m., then, as now, in time of insurrection.”

Specification 2.—“In that he, Placido Cuchapin, being duly installed presidente of Moncada, under the authority of the United States, did, in obedience to orders from Fructuoso Sembrano, a guerrilla chief, issue a written order to the cabezas of Moncada, to bring their men into the town for the purpose of attacking the garrison, which order was in substance as follows:

“MONCADA, October 14, 1900—10 a. m.

“CABEZA, ———

“Immediately on the receipt of this order you will collect the men of your barrio and have them here in the stores at 4 p. m., in order to do the thing we have talked about.

“(Signed) PLACIDO CUCHAPIN,
“Presidente.

“This at Moncada, province of Tarlac, P. I., in territory occupied by the United States, on or about October 14, 1900, then, as now, in time of insurrection.”

Specification 3.—“In that he, Placido Cuchapin, being duly installed presidente of Moncada, under the authority of the United States, did order the cabezas of two barrios, Campo Santo and San Julian, to tear up the railroad and cut the telegraph line, in pursuance of which orders the railroad was torn up and the telegraph line cut. This at Moncada, province of Tarlac, P. I., in territory occupied by the United States on or about October 14, 1900, then, as now, in time of insurrection.”

Specification 4.—“In that he, Placido Cuchapin, being duly installed presidente of Moncada, under the authority of the United States, having taken the oath of allegiance to the United States, did violate said oath by holding communication with the enemy and by consorting and conspiring with guerrillas against the authority of the United States. This at Moncada, province of Tarlac, P. I., in territory occupied by the United States on October 13 and 14, 1900, then, as now, in time of insurrection.”

CHARGE II.—“Violation of the laws of war.”

Specification 1.—“In that he, Placido Cuchapin, being duly installed presidente of Moncada, under the authority of the United States, did order a house in the rear of the company quarters set on fire, with the intention of attacking the soldiers when they came out to extinguish the flames. This at Moncada, province of Tarlac, P. I., in territory occupied by the United States on October 14, 1900, then, as now, in time of insurrection.”

Specification 2.—“In that he, Placido Cuchapin, being duly installed presidente of Moncada, under the authority of the United States, did threaten to kill Narciso Relles, native, together with his family, if he should give evidence against him, the said Cuchapin, to the Americans. This at Moncada, province of Tarlac, P. I., in territory occupied by the United States, at various times between October 14, 1900, and January 13, 1901, then, as now, in time of insurrection.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “guilty, except the words ‘October 13’ and ‘7 and 8 p. m.,’ substituting therefor the words ‘October 14’ and ‘3 and 5 p. m.,’ of the excepted words not guilty and of the substituted words, guilty.” Of the second specification, first charge, “guilty.” Of the third specification, first charge, “guilty, except the words ‘Campo Santo’ and ‘and cut the telegraph line,’ substituting for the words ‘Campo Santo’ the words ‘San Juan,’ of the excepted words not guilty, and of the substituted words guilty.” Of the fourth specification, first charge, “guilty.” Of the first charge, “guilty.” Of the first specification,

second charge, "guilty." Of the second specification, second charge, "guilty, except the words 'at various times' and of the excepted words, not guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Placido Cuchapin, native, "To be confined at hard labor, under guard, at such place as the reviewing authority may direct, for the period of thirty (30) years."

In the foregoing case it appears that the accused, Placido Cuchapin, while presidente of the pueblo of Moncada, Tarlac, and under oath of allegiance to the United States Government, received in the presidencia, an insurgent captain, who conveyed orders from higher insurgent authority to accused, directing him to organize an attack upon the American garrison there stationed; to destroy the railroad tracks and telegraph lines used by the United States authorities and to fire a house as the signal of attack upon the American troops as they came from their quarters.

It appears that while he was the recognized presidente under American authority, the accused was also chief of the Katipunan society of his pueblo. This affords the explanation of the thoroughness of his secret preparations for carrying out the orders he had received and for threatening his subordinates with the penalty of death to themselves and their families if they failed to assist him therein. While his betrayal of official trust was most treacherous, still in view of the fact that no acts of wanton cruelty are traced to his hands, the sentence, approved by the department commander while confirmed, is mitigated to confinement at hard labor for fifteen (15) years, as thus mitigated the sentence will be duly executed.

The Presidio de Manila is designated as the place of confinement, to which place the prisoner will be sent under proper guard.

II. Nicolas Valenton, native.

CHARGE.—"Treachery in office, in violation of the laws of war."

Specification 1.—"In that he, Nicolas Valenton, duly installed vice-presidente and lieutenant of the police of Moncada, under the authority of the United States, did hold communication with the enemy by receiving in the presidencia of Moncada one Maximino Paraso, an insurgent captain and a bearer of orders from Fructuoso Sembrano, a guerrilla chief, to attack the garrison and cut the railroad and telegraph. He, the said Nicolas Valenton, having full knowledge of this fact. This at Moncada, province of Tarlac, P. I., in territory occupied by the United States, on October 13, 1900, between 7 and 8 p. m., then, as now, in time of insurrection."

Specification 2.—"In that he, Nicolas Valenton, duly installed vice-presidente and lieutenant of the police of Moncada, under the authority of the United States, did, while acting as presidente, having received a letter from the cabeza of San Julian, informing him that an armed band had torn up the railroad track and wrecked a train, fail to report this fact to the commanding officer of Moncada, in violation of positive orders and his manifest duty. This at Moncada, province of Tarlac, P. I., then, as now, in time of insurrection on or about October 14, 1900."

Specification 3.—"In that he, Nicolas Valenton, duly installed vice-presidente and lieutenant of the police of Moncada, under authority of the United States, having taken the oath of allegiance to the United States, did violate said oath by holding communication with the enemy and by consorting and conspiring with guerrillas against the authority of the United States. This at Moncada, province of Tarlac, P. I., in territory occupied by the United States, on October 13 and 14, 1900, then, as now, in time of insurrection."

PLEA.—"Not guilty."

FINDING.—Of the first specification, "guilty." Of the second specification, "guilty." Of the third specification, "not guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Nicolas Valenton, native, "to be confined at hard labor under guard, at such place as the reviewing authority may direct, for the period of 20 years."

In the foregoing case it appears that this accused, Nicolas Valenton, native, while holding the office of vice-presidente of Moncada, aided and abetted the enemy by receiving and treating with an insurgent captain and also an insurgent messenger or order bearer from an insurgent chief, notifying accused that the American garrison there situated was to be attacked, and directing him to aid in destroying the railroad and telegraph wires used by the United States authorities, and that these directions were complied with. All of these facts were amply proven and the accused admits their truth, urging in extenuation that he was under threat that he and all of his family would suffer death in event of his noncompliance. Whatever merit may attach to such an assumed spirit of self-humiliation, the fact remains that it is neither good in law nor in morals. An honest man would have resigned the office he so treacherously accepted and administered.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the term of 10 years; as thus commuted the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 17, 1901.

General Orders, No. 122.

Before a military commission which convened at Davao, island of Mindanao, P. I., pursuant to paragraph 1, Special Orders, No. 141, Headquarters Department of Mindanao and Jolo, November 30, 1900, and of which Major Hunter Liggett, 31st Infantry, U. S. Volunteers, was president, and First Lieutenant Charles O. Thomas, jr., 31st Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Oracon, a Moro.

CHARGE.—“Murder.

Specification.—“In that, on or about the 20th day of October, 1900, at the barrio of Daron, district of Davao, island of Mindanao, P. I., a place then, as now, occupied by the military forces of the United States, and under the military government thereof, one Oracon, a Moro, and one Gubal, a Bagoba, did on the day and at the place aforesaid, willfully, feloniously, with deliberation, premeditation and malice aforethought, then and there assault, murder, and kill one Vicente Frenada, a Spaniard, and his servant, Maria, a Tagacaola girl, by then and there striking and cutting with a sharp instrument, commonly called a kris, the said Vicente Frenada and the said Maria, then and there and in the manner aforesaid, inflicting on the said Vicente Frenada and the said Maria various and divers wounds and cuts, by reason of which said wounds and cuts, so inflicted as aforesaid, the said Vicente Frenada and the said Maria died at said barrio of Daron, on or about the said 20th day of October, A. D. 1900. This at at the place and at the time hereinbefore mentioned.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Oracon, a Moro, “to be hanged by the neck until he is dead, at such place as the reviewing authority may direct, an unanimous concurrence therein.”

In the foregoing case of Oracon, a Moro, a plea of guilty offered by the accused was properly rejected by the commission, and the case on the merits developed the facts, that, in retaliation for a personal chastisement inflicted by deceased upon accused about two weeks before the crime, for some dereliction of duty or service, the latter entered the house of the former in the night time and cut and stabbed him and his servant to death with many blows of a kris. The accused made an unsworn statement at the trial admitting the fact essential to constitute the crime charged, differing from the case of the prosecution only in a denial of the alleged motive and substituting therefor the statement that the crime was committed because one Rofo Magbuanya ordered it, and the order was obeyed because accused believed Rofo to be a brave man. It does not appear that Rofo Magbuanya had any official authority over accused and the sole factor influencing obedience springs from the very flattering opinion accused claims he had for the personal bravery of the man who instigated this very cowardly assassination of an unarmed man and a defenseless woman.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Davao, island of Mindanao, P. I., on the 2d day of August, A. D. 1901, under the direction of the commanding general, Department of Mindanao and Jolo.

By command of Major-General McArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 17, 1901.

General Orders, No. 123.

Before a military commission which convened at the Pueblo of Gerona, Tarlac Province, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, November

9, 1900, Headquarters Department of Northern Luzon, and of which Capt. Robert K. Evans, Twelfth U. S. Infantry, was president, and First Lient. George H. Shields, jr., was judge-advocate, was arraigned and tried Juan Aganon, Cosme Salmos, Antonio Taguinaldo, Juan Pagaragan, Cecilio Manavis, and Fausto Manavis, natives.

CHARGE.—“Murder.”

Specification.—“In that Juan Aganon, Cosme Salmos, Antonio Taguinaldo, Juan Pagaragan, Cecilio Manavis, and Fausto Manavis, natives, and each of them, at the Pueblo of Pura, Province of Tarlac, Luzon, P. I., in territory, then, as now, occupied by United States troops, and at a time, then as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought, kill and murder Esteban Versosa, the chief of police, a native, by stabbing the said Versosa with knives held in the hands of the said Juan Aganon, Cosme Salmos, Antonio Taguinaldo, and Juan Pagaragan. This at the place above specified on or about December 1, 1900.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Juan Aganon, Cosme Salmos, Antonio Taguinaldo, Juan Pagaragan, Cecilio Manavis, and Fausto Manavis, natives, and each of them, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring.”

In the foregoing case of Juan Aganon, Cosme Salmos, Antonio Taguinaldo, Juan Pagaragan, Cecilio Manavis, and Fausto Manavis, it appears that these accused, prompted by the secret accusations of the Katipunans to the effect that their victim was an American spy, lured Esteban Versosa, chief of police of the Pueblo of Pura, Province of Tarlac, to the outskirts of the town on the pretext of necessity for visiting his guard, and there boloed him to death. The actual participation in this crime by all of these accused is fully established by direct evidence, and they offer no evidence, explanation, or statement to meet the proof.

So long as secret societies exist, whose purpose it is to evade the laws, and men are found willing to execute their secret orders of assassination, so long must the laws, both of peace and of war, be invoked to suppress them. Working in secret and taking vengeance, now upon the good and now upon the bad—as suits their criminal inclinations—the members of these societies become enemies of all men—of friend and foe alike—and so long as they flourish the common interests and happiness of the inhabitants of the country they invest must languish.

The sentence, approved by the department commander, is confirmed, and as against Juan Aganon and Fausto Manavis will be duly executed at the Pueblo of Gerona, Province of Tarlac, Luzon, P. I., on the (twelfth) 12th day of July, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon. As against these accused, Cosme Salmos, Antonio Taguinaldo, Juan Pagaragan and Cecilio Manavis, their sentences and that of each of them is commuted to imprisonment at hard labor for the period of their natural lives, and as thus commuted will be duly executed at the Presidio de Manila, to which place they, and each of them, will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., June 17, 1901.

General Orders, No. 124.

Before a military commission which convened at the pueblo of Tarlac, province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Captain Robert K. Evans, Twelfth U. S. Infantry, was president, and First Lieutenant George H. Shields, jr., Twelfth U. S. Infantry, was judge-advocate, was arraigned and tried Fructuoso Sembrano, native.

CHARGE.—“Violation of the laws of war.”

Specification 1.—“In that he, Fructuoso Sembrano, having, in time of insurrection, to wit, December, 1899, accepted under the United States, the office of presidente of pueblo of Gerona, province of Tarlac, territory, then, as now, occupied by United States forces, did afterwards take part with and lead a band of outlaws in an attack on American troops. This at Oa Oa, province of Tarlac, on or about October 25, 1900.”

Specification 2.—“In that he, Fructuoso Sembrano, native, did in territory then

as now occupied by United States troops, and at a time then as now of insurrection against the lawful authority of the United States, organize a band of outlaws, fifty, more or less in number, and having caused a detachment of American soldiers to be enticed from their quarters by a band of musicians, did cause said detachment to be surrounded and attacked by said band of outlaws, armed with bolos and rifles, and did then and there kill and murder William F. Steiner and Otto Seaholm, and wound Arthur V. Farrar, James Carr, and William Haler, all soldiers of Company L, Seventeenth U. S. Infantry. This at or near Oa Oa, province of Tarlac, October 25, 1900."

Specification 3.—"In that he, Fructuoso Sembrano, native, did at a time then as now of insurrection against the lawful authority of the United States, and in territory then as now occupied by the military authorities of the United States, receive and accept from insurgent leader, Jose Alejandrino, an appointment as governor of the military province of Pangasinan. This on or about December 9, 1900."

ADDITIONAL CHARGE.—"Violation of the laws of war."

Specification 1.—"In that Fructuoso Sembrano, native, did in territory then as now occupied by the United States troops, and at a time then as now of insurrection against the lawful authority of the United States, organize and lead a band of outlaws, fifty, more or less in number, armed with rifles, and did attack and fire upon the troops stationed at Paniqui, province of Tarlac, Luzon, P. I., and by reason of said attack, did then and there kill and murder Teresa Palarca, a native child, of said pueblo, by the fire from rifles held in the hands of said outlaws. This at Paniqui, P. I., on the 12th day of September, 1900."

Specification 2.—"In that Fructuoso Sembrano, native, did in territory then as now occupied by the United States troops, and at a time then as now of insurrection against the lawful authority of the United States, organize and command a band of outlaws, names and numbers unknown, to tear up the railroad track, a public highway, over which were being daily transported mails, troops, and supplies belonging to the United States and cut and destroy the telegraph line along the said railway, in the vicinity of Gerona, Paniqui, and Moncada, P. I., which breaking and tearing up of said railway and telegraph line did interrupt public travel and did cause a railway train to be wrecked. This in the province of Tarlac, Luzon, P. I., on the 14th day of October, 1900."

Specification 3.—"In that Fructuoso Sembrano, native, did in territory then as now occupied by United States troops, and at a time then as now of insurrection against the lawful authority of the United States, command a band of outlaws, fifty, more or less in number, armed with rifles, and did fire upon United States troops and resist the lawful authority of the United States. This near the barrio of Kiosan, pueblo of Marionos, province of Tarlac, Luzon, P. I., on the 29th day of December 1900."

Specification 4.—"In that Fructuoso Sembrano, native, did, in the capacity of insurgent civil governor, and military commander under the so-called insurgent government, in the province of Tarlac, Luzon, P. I., cause secret societies to be organized and maintained in the pueblos of Camiling, San Clemente, Moncada, Pura, Paniqui, Gerona, San Ignacio, and Anao and others, and did aid, counsel and advise the inhabitants thereof, to resist the lawful authority of the United States, and by the aid of such unlawful organization, did cause the death of one Esteban Versosa, chief of police of the pueblo of Pura, province of Tarlac, Luzon, P. I. This within the theater of military operations, in the territory, then, as now, occupied by United States, troops, and in a time, then, as now, of insurrection and rebellion, between the first day of May and the twenty-ninth day of December, 1900."

PLEA.—To the first specification, first charge, "not guilty." To the second specification, first charge, "not guilty." To the third specification, first charge, "guilty." To the first charge, "guilty." To the first specification, additional charge, "not guilty." To the second specification, additional charge, "not guilty." To the third specification, additional charge, "not guilty." To the fourth specification, additional charge, "not guilty." To the additional charge, "not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Fructuoso Sembrano, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring."

In the foregoing case of Fructuoso Sembrano, native, it appears of record that the accused had taken the oath of allegiance to and the office of presidente local of the pueblo of Gerona, Tarlac, under the Government of the United States; that thereafter, in secret ways, he devoted his abilities to furthering the cause of the insurrection, until being suspected of treachery and criminal misdeeds, he fled to the hills and engaged in active warfare against the Government he had sworn to support.

For his fidelity to the insurgent cause, he was rewarded with the office of civil and military governor of Pangasinan. In his new capacity as an insurgent chief, he issued instructions to his subordinates, from which the following extracts are taken:

"Also order all persons in your jurisdiction to employ great astuteness in trying to capture arms from the enemy, and if any of the enemy are in the habit of taking a walk, your people must try to kill him and take his arms. You will immediately advise me the name of the person who captured the arms, that I may advise our government. The money that may be found on the enemy must be given to the brother (Katipunan) who obeyed this order. Return this order and comply. November 14, 1900."

[Translated from "Ilocano."]

"MOUNT BINGBATO, September 9, 1900.

"To the chief of the town of Pura:

"By this present I nominate you chief of this town and you may from this date order its affairs and inhabitants. You will follow strictly the following rules: 1. Make out an act signed by all the brotherhood, using their nicknames, that they will defend the cause of their mother country. 2. Cause all those to disappear who oppose this measure, or who become traitors to our holy cause. 7. The town that does not revolt with us will be at once destroyed and the people punished accordingly. 10. All secret spies will be killed (translated murdered) or sent alive to this camp."

These thinly-veiled orders to assassinate unsuspecting victims, the evidence plainly shows, had their intended effect, both upon American soldiers and natives, and in at least one specific instance, the accused directly instigated and caused the assassination of a native policeman of Pura.

That he is guilty as charged there is no reasonable doubt.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of his natural life. The Presidio de Manila is designated as the place of confinement, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 17, 1901.

General Orders, No. 125.

Before a military commission which convened at the pueblo of Nueva Caceres, province of Camarines Sur, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 8, Headquarters Department of Southern Luzon, January 8, 1901, and of which Lieut. Col. Almond B. Wells, Ninth U. S. Cavalry, was president, and First Lieut. James A. Ryan, Ninth U. S. Cavalry, was judge-advocate, were arraigned and tried.

I. Feliciano Abez, native.

CHARGE I.—"Kidnaping."

Specification.—"In that he, Feliciano Abez, native, in company of and consorting with a band of armed outlaws to the number of ten, more or less, did feloniously and forcibly seize and carry away, against their will and consent, the following persons: Andres Justiano, Valeria Justiano, Panteleon Justiano, Crispini Justiano, Estaban Justiano, Leoncia Justiano, Alejandro Justiano, Civila Justiano, Leoncio Justiano, Augustin Justiano, and Alejandra Candaleria. This on or about January 6, 1901, then, as now, a time of insurrection, at or near the pueblo of Pamplona, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States."

CHARGE II.—"Robbery."

Specification.—"In that Feliciano Abez, native, in company of and consorting with a band of armed outlaws to the number of ten, more or less, did feloniously and forcibly take from the presence of Andres Justiano household furniture, clothing, and food, value unknown, property of the families of Andres and Alejandro Justiano. This on or about January 6, 1901, then, as now, a time of insurrection, at or near the pueblo of Pamplona, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States."

CHARGE III.—“Assault with intent to commit murder.”

Specification.—“In that Feliciano Abez, native, in company of and consorting with a band of armed outlaws to the number of ten, more or less, did willfully, feloniously, and with malice aforethought, assault Andres Justiano, Civila Justiano, Leoncio Justiano, and Augustin Justiano by striking them with clubs, bolos, and other deadly weapons held in the hands of members of said band with intent to commit murder. This on or about January 6, 1901, then, as now, a time of insurrection, at or near the pueblo of Pamplona, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States.”

CHARGE IV.—“Murder.”

Specification.—“In that Feliciano Abez, native, in company of and consorting with a band of armed outlaws to the number of ten, more or less, did willfully, feloniously, and with malice aforethought kill and murder the following persons, viz, Panteleon Justiano, Crispini Justiano, Estaban Justiano, Leoncia Justiano, Alejandro Justiano, and Alejandra Candelaria, by striking them with clubs, bolos, and other deadly weapons held in the hands of members of said band, from which they then and there, or shortly afterwards, died. This on or about January 6, 1901, then, as now, a time of insurrection at or near the pueblo of Pamplona, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Feliciano Abez, native, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Feliciano Abez, native, it appears that the accused, as a member and leader of a band of outlaws, armed with spears, palma brava clubs, and daggers of hard wood, invaded the house of one Andres Justiano, at the pueblo of Pamplona, bound and carried off the whole family there residing, consisting of eleven human beings, among whom were two infants in arms, a small girl about one year of age, and an aged woman. It is shown that accused caused three men of this party to be tied to a tree and in the presence of one of them, who was father and brother of the other two, respectively, ordered these two to be killed by blows with palma brava clubs and stabbing with wooden daggers. This being done the father himself was similarly attacked, but subsequently survived his wounds. It is shown that the accused himself, in presence of the mothers of the children, stabbed one infant 4 months of age through and through with a wooden dagger; killed with a club and kick in the head another infant 1½ years of age; broke the neck of an aged woman by a blow with a palma brava club; likewise killed a small girl 1½ years of age; tied to a tree and struck on the head and neck with a club, Valeria Justiano, after first striking her infant in arms and breaking its collar bone, and striking her small son on the head, from the effects of which he carries a deep scar three inches long. Of the eleven victims, six were killed outright and four dangerously wounded until believed to be dead. No motive other than a feud existing between accused and this family arising about a dispute over a dog and the looting of the house of portable property, appears of record to account for this most hideous and barbarous crime.

The sentence approved by the department commander, is confirmed and will be duly executed at the pueblo of Nueva Caceres, province of Camarines Sur, Luzon, P. I., on the 26th day of July, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

II. José Ayila, and Paulino Casio, natives.

CHARGE I.—“Murder.”

Specification.—“In that José Ayila and Paulino Casio, natives, in company of and consorting with a band of natives, armed with bolos, twenty-five, more or less, in number, did willfully, feloniously, and with malice aforethought kill and murder Juan Legaspi, Nicolas Pabon, Baldomero Imena, Aniseta Nueva de Imena, and Eugenia Imena, natives, by cutting and stabbing the said Juan Legaspi, Nicolas Pabon, Baldomero Imena, Aniseta Nueva de Imena, and Eugenia Imena, with bolos held in the hands of said José Ayila and Paulino Casio, and others of said band, names unknown, inflicting wounds therewith, whereof they, the said Juan Legaspi, Nicolas Pabon, Baldomero Imena, Aniseta Nueva de Imena, and Eugenia Imena, then and there died. This at or near a hemp ranch known as Quisquisan ranch, near the barrio of San Isidro, Pueblo of Iriga, province of Camarines Sur, Luzon, P. I., on or about October 19, 1900, in time of insurrection against the lawful authority of the United States and in territory occupied by United States troops.”

CHARGE II.—“Assault and battery, with intent to commit murder.”

Specification.—“In that José Ayila and Paulino Casio, natives, on or about October

19, 1900, then, as now, a time of insurrection, at or near a hemp ranch known as Quisquisan ranch, near the barrio of San Isidro, pueblo of Iriga, province of Camarines Sur, Luzon, P. I., a place, then, as now, in the theater of active military operations, in company with a band of natives to the number of twenty-five, more or less, did willfully, feloniously, and with malice aforethought, and with the intent and present ability then and there to kill and murder Margarita Salanoba Legaspi, Mariano Nueva, Juana Ceron, and Ofrecina Imena, assault and torture the said Margarita Salanoba Legaspi, Mariano Nueva, Juana Ceron, and Ofrecina Imena with sundry and divers deadly weapons, commonly called bolos, then and there held in the hands of José Avila and Paulino Casio, and other members of said band, names unknown, inflicting therewith numerous painful and dangerous wounds upon the bodies of said Margarita Salanoba Legaspi, Mariano Nueva, Juana Ceron, and Ofrecina Imena. This at the time and place above stated."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, José Avila, and Paulino Casio, natives, and each of them, "To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that these accused, José Avila and Paulino Casio, natives, in company with a band of outlaws, entered the houses of one Juan Legaspi, at the pueblo Iriga, in the nighttime, actuated by no higher motive than robbery and degenerate cruelty and inhumanity, bolloed to death five natives, including a child 3 years of age and a young girl 11; cut, wounded, and tortured three women, one small girl and one man, with the intent to kill them.

No denial, explanation, or statement is made by these accused to meet the positive and direct evidence of their surviving victims and no evidence submitted by the defense negatives their guilt.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Nueva Caceres, province of Camarines Sur, Luzon, P. I., on the 26th day of July, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 17, 1901.

General Orders, No. 126.

Before a military commission which convened at the pueblo of Palanoc, island of Masbate, P. I., pursuant to paragraph 5, Special Orders, No. 11, Headquarters Department of Southern Luzon, January 11, 1901, and of which Capt. Abner Pickering, Second U. S. Infantry, was president, and First Lieut. Peter E. Marquart, Second U. S. Infantry, was judge-advocate, was arraigned and tried: Teribio Ramirrez, native.

CHARGE.—"Murder."

Specification.—"In that he, Teribio Ramirrez, native, did feloniously and with malice aforethought, murder and kill Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, natives, and each of them, by shooting, cutting, stabbing, and striking them, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, with guns, revolvers, knives, bolos, and clubs held in the hands of the said Teribio Ramirrez, then and there inflicting upon the persons of the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville wounds whereof they, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, then and there died. This at or near the pueblo of Naro, island of Masbate, P. I., on or about the 14th day of August, 1900."

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Teribio Ramirez, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that the accused, Teribio Ramirez, native, was one of a band of armed outlaws which entered the house of one Antonio Echevarria, at Naro, Masbate, on August 14, 1900, robbed it of valuables, conveyed eleven occupants to the beach and there murdered them with sabers, bolos, and clubs and then tied up the dead bodies in sacks and threw them into the sea. It appears that this accused personally killed one of the victims and gave orders that the bodies should be disposed of in the above manner. The only motive shown of record is that of robbery. The accused admitted before the commission that he was present with the band.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Masbate, island of Masbate, P. I., on the second (2d) day of August, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 19, 1901.

General Orders, No. 129.

Before a military commission which convened at the Pueblo of Pozorrubio, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220, Headquarters Department of Northern Luzon, December 8, 1900, and of which Capt. Samson L. Faison, Thirteenth U. S. Infantry, was president, and First Lieut. Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried, Hermanagildo Viscara and Roman Nicomedes, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Hermanagildo Viscara and Roman Nicomedes, natives, at Pozorrubio, Province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States, on or about February 28, 1900, a time, then, as now, of insurrection against the authority of the United States, did feloniously kill and murder Calistro Fernandez, a native and resident of Pozorrubio, P. I., by choking him, the said Calistro Fernandez, with their hands and by striking him, the said Calistro Fernandez, with an axe, or other heavy and sharp instrument, held in the hands of the said Hermanagildo Viscara and Roman Nicomedes, inflicting wounds thereby whereof the said Calistro Fernandez, then and there, or shortly afterwards, died. This about the time and at the place specified.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, “Guilty, except the words, ‘February 28,’ substituting therefor the words, ‘February 22,’ and except the words, ‘the time,’ substituting therefor the words, ‘February 22, 1900,’ and of the excepted words in each case, not guilty, and of the substituted words in each case, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Hermanagildo Viscara and Roman Nicomedes, natives, and each of them, “to be confined at hard labor at such place as the reviewing authority may direct, for the remainder of their natural lives.”

In the foregoing case it appears that these accused, Hermanagildo Viscara and Ramon Nicomedes, natives, were members and officials of a band of assassins whose purpose was to inspire the community in which it operated with obedience to its will through terror by secretly assassinating those coming within its displeasure. In pursuance of this purpose, it is shown that these two accused sequestered and conveyed to an unoccupied house at Pozorrubio, Pangasinan, one Calistro Fernandez, and there killed him by choking and crushing in his skull with some cutting weapon. They then compelled natives to convey the body to an isolated spot, where the legs of the victim were cut off, the body doubled up and forced into a shallow hole, head foremost, and then covered with earth. The motive of the crime is found in the fact that deceased was too friendly to the Americans and had acted as a guide for them

on several occasions. No reasonable doubt of the guilt of these accused arises from the evidence and no mitigating circumstances appear of record.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place these prisoners, Hermanagildo Viscara and Roman Nicomedes, will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 19, 1901.

General Orders, No. 130.

Before a military commission which convened at San Fernando, province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 230, Headquarters Department of Northern Luzon, December 19, 1900, and of which Lieut. Col. Greenleaf A. Goodale, Third U. S. Infantry, was president, and Capt. William R. Sample, Adjutant, Third U. S. Infantry, was judge-advocate, was arraigned and tried Pedro Abad Santos, native.

CHARGE I.—“Violation of the laws of war.”

Specification 1.—“In that Pedro Abad Santos, alias ‘Perico,’ being at the time a captain in the insurgent forces on the staff of the so-called Gen. Maximino Hizon, did, with others, threaten with death Florentino Pamintuan, a wealthy citizen of San Fernando, province of Pampanga, who had been kidnaped by order of said Hizon, and who was unlawfully held as a prisoner by a band of insurgents under said Hizon’s command with the object of feloniously extorting money from said Pamintuan.

“This in the month of May, 1900, in the province of Pampanga, island of Luzon, a district, then as now, in insurrection against the United States.”

Specification 2.—“In that Pedro Abad Santos, alias ‘Perico,’ being at the time a captain on the staff of the so-called Gen. Maximino Hizon, of the insurgent forces, having with others illegally condemned a native, supposed to be Leoncio Torres, captured by said Santos, to death, and being appealed to by said prisoner for mercy, did brutally strike with his fist and knock down said prisoner.

“This in the month of April, 1900, in the house of Mariano David, barrio of San Rafael, Mexico, province of Pampanga, in a district, then as now, in insurrection against the United States.”

CHARGE II.—“Murder.”

Specification.—“In that Pedro Abad Santos, alias ‘Perico,’ being at the time a captain of the insurgent forces, on the staff of the so-called Gen. Maximino Hizon, did willfully, feloniously, and with malice aforethought kill and murder a native man, supposed to be Leoncio Torres, by causing him to be buried alive by men acting in accordance with his orders. This in the month of April, 1900, in the barrio of San Rafael, Mexico, province of Pampanga, island of Luzon, a district, then as now, in insurrection against the United States.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “guilty;” of the second specification, first charge, “guilty,” with the exception of the words ‘captured by said Santos,’ and of the excepted words, ‘not guilty;’ of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does, therefore, sentence him, Pedro Abad Santos, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case it appears that the accused, Pedro Abad Santos, native, was the adjutant, secretary, and adviser of General Hizon, the insurgent political military governor of Pampanga Province, having “command of everything” therein and that the military authority of accused arose from this connection. It appears that this accused was present at the barrio of San Rafael during the month of May, 1900, together with two insurgent officers of the line, Lieut. Eusebio Rojas and Capt. Isabello del Rosario, the last being in command of the detachment of insurgent troops there stationed; that a native, Leoncio Torres, was brought a prisoner before these three officers, charged with being an American spy, and by them condemned to death by burying alive. The victim, with arms bound behind him, begged of this accused for mercy and was answered by a blow, which knocked him down, and an order to the soldiers to take him out and bury him, which was done.

On the other charge it appears that this accused threatened with death one

Florentino Pamintuan, presidente of Angeles, who had been kidnaped by order of General Hizon and held to ransom in the sum of 9,000 pesos, in the event of this ransom not being paid, and not until the full sum was paid did the prisoner gain his liberty.

While making no denial that both these crimes were committed, the accused seeks to avoid criminal responsibility on the statement that Del Rosario was the officer in command and the responsible criminal in the commission of the former and General Hizon in the latter.

Ignoring all of the strong evidence showing the actual participation in the perpetration of these crimes by accused, it still can not be doubted that had he so willed, his protest against the murder of Torres would have been effective. His close relations with the commanding general and power to bring the perpetrators of the crime to answer to their chief for such violation of the laws of war and humanity strongly support this view. It is not contended that he did not give criminal acquiescence to this most cruel deed, and by this alone he assumed full criminal responsibility. Upon the most favorable view to the accused he was an accomplice by acts of omission, if not commission, and in view of the possibility of his negative rather than positive criminality, some leniency will be shown him.

The sentence, approved by the Department commander, is confirmed, but is commuted to confinement at hard labor for the period of twenty-five (25) years. As thus commuted the sentence will be duly executed at the presidio de Manila, to which place the prisoner, Pedro Abad Santos, will be sent under proper guard.

By command of Major General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Vols., Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 20, 1901.

General Orders, No. 131.

Before a military commission which convened at the pueblo of Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Capt. Harry C. Benson, Fourth U. S. Cavalry, was president, and Second Lieut. Sylvester Bonaffon, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Gregorio Decasin and Idelfonso de Guzman, natives.

CHARGE.—“Murder.”

Specification.—“In that Gregorio Decasin and Idelfonso de Guzman, natives, in company of and consorting with a band of ladrones armed with rifles, revolvers, and bolos, did willfully, feloniously, and with malice aforethought, murder and kill, Antonio Mejia, presidente of Malasiqui, Cicilio Bulatao, justice of the peace, Macario Mejia, Felix Centeno, Gavino Macasieb, Francisco Macaraeg, and Jacinto Centeno, natives, and delegates of the pueblo of Malasiqui, by shooting them, the above-named natives and delegates, with rifles held in the hands of members of said band of ladrones, inflicting wounds therewith, whereof they, the above-named natives and delegates, did then and there die. This in time, then as now, of insurrection, at or near Malasiqui, Pangasinan, Luzon, P. I., a place then, as now, under the military government of the United States, on or about the 23d day of November, 1899.”

PLEAS.—“Not guilty.”

FINDINGS.—Gregorio Decasin, “guilty.” Idelfonso de Guzman, “not guilty.”

SENTENCES.—And the commission does therefore “acquit” him, Idelfonso de Guzman, native, and does sentence him, Gregoria Decasin, native, “to be hung by the neck until dead, at such time and place as the reviewing authority shall direct, two-thirds of the commission concurring therein.”

In the foregoing case, it appears that the accused Gregorio Decasin was an active member of an armed band of outlaws that entered the pueblo of Malasiqui, Pangasinan, November 23, 1899, seized and bound the presidente of the town, the justice of the peace and five cabezas or head men, conveyed them to a point at the outskirts of the town and there murdered them by shooting, stabbing and cutting with guns, bayonets, and bolos. The motive was robbery and retaliation for friendliness on the part of the murdered men for the American Government.

The evidence against accused Idelfonso de Guzman, however, is meager, unconvincing, and gives ample justification for his acquittal.

The atrocity of this crime is of such a nature as to leave no room for leniency; the crime involving the cruel and wanton murder of seven representative inhabitants of

the pueblo, and for no other cause than their acceptance of the legitimate American Government.

The sentence against Gregorio Decasin, approved by the department commander, is confirmed and will be duly executed at the pueblo of Malasiqui, province of Pangasinan, Luzon, P. I., on the nineteenth (19th) day of July, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

II. Idelfonso de Guzman and Victor Mamaiel, natives.

CHARGE.—“Murder.”

Specification 1.—“In that Idelfonso de Guzman and Victor Mamaiel, natives, in company of and consorting with a band of ladrones armed with rifles and bolos, did willfully, feloniously and with malice aforethought, murder and kill Juan Centeno, Alejandro Flores, and Pablo Caldoná, natives, by shooting them and by cutting them, the above-named natives, with said rifles and bolos held in the hands of members of said band of ladrones, inflicting wounds therewith whereof they, the above-named natives, then and there died.”

“This on or about December 10, 1899, in time, then as now, of insurrection, at or near Malasiqui, Pangasinan, Luzon, P. I., a place then as now under the military government of the United States.”

Specification 2.—“In that Idelfonso de Guzman and Victor Mamaiel, natives, in company of and consorting with a band of ladrones, armed with rifles and bolos, did wilfully, feloniously, and with malice aforethought murder and kill Domingo Juáquin, native, by shooting him and cutting him, the said Juáquin, with rifles and bolos, held in the hands of members of the said band of ladrones, inflicting wounds therewith, whereof he, the said Juáquin, then and there died. This on or about December 15, 1899, in time, then as now, of insurrection, at or near Malasiqui, Pangasinan, Luzon, P. I., a place then as now under the military government of the United States.”

PLEAS.—“Not guilty.”

FINDINGS.—Idelfonso de Guzman, “guilty.” Victor Mamaiel, of the first specification, “guilty;” of the second specification, “not guilty;” of the charge, “guilty.”

SENTENCES.—And the commission does therefore sentence them, Idelfonso de Guzman and Victor Mamaiel, natives, and each of them, “To be hung by the neck until dead, at such time and place as the reviewing authority shall direct, two-thirds of the commission concurring therein.”

In the foregoing case, it appears that these accused, Idelfonso de Guzman and Victor Mamaiel, natives, were members of a band of armed outlaws which first kidnaped and then murdered Juan Centeno, Alejandro Flores, and Pablo Caldoná, at or near Malasiqui, Pangasinan, P. I., December 10, 1899, and five days later similarly kidnaped and murdered Domingo Juáquin.

These murders were wanton and seemingly without other motive than robbery or depravity. It appears, however, that the accused, Victor Mamaiel, took a less active part than the other accused in the commission of the crimes, and for this reason the department commander, in approving the sentence, has recommended clemency in his case.

The sentence is confirmed, and, as against accused, Idelfonso de Guzman will be duly executed at the pueblo of Malasiqui, province of Pangasinan, Luzon, P. I., on the nineteenth (19th) day of July, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

In the case of Victor Mamaiel, the sentence is commuted to confinement at hard labor for the period of fifteen (15) years, and as thus commuted will be duly executed at the presidio de Manila, to which place he, the said Victor Mamaiel, will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 26, 1901.

General Orders, No. 132.

Before a military commission which convened at the pueblo of Paniqui, province of Tarlac, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 193, Headquarters Department of Northern Luzon, November 9, 1900, and of which Capt. Robert K. Evans, Twelfth U. S. Infantry, was president, and First Lieut. George H. Shields, jr., Twelfth U. S. Infantry, was judge-advocate, were arraigned and tried Patricio Sanches and Fausto Sanches, natives.

CHARGE I.—“Robbing in bands.”

Specification.—“In that they, Patricio Sanches and Fausto Sanches, natives, and each of them, on or about January 3, 1901, at or near the barrio of San Agustin, pueblo of San Juan de Guimba, province of Nueva Ecija, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did, in company of and consorting with a band of armed outlaws, to the number of five, more or less, feloniously and forcibly take from the presence of the owner or custodian thereof two caraboas (value unknown), the property of Victor Torio, native, and Lucio Bernabe, native, and of which the said Lucio Bernabe was custodian. This on or about the date and at or near the place specified.”

CHARGE II.—“Murder.”

Specification.—“In that they, Patricio Sanches and Fausto Sanches, natives, and each of them, on or about January 3, 1901, at or near the barrio of San Agustin, pueblo of San Juan de Guimba, province of Nueva Ecija, Luzon, in territory then, as now, occupied by United States troops, and at a time then, as now, of insurrection against the lawful authority of the United States, did, in company of and consorting with a band of armed outlaws, to the number of five, more or less, willfully, feloniously, and with malice aforethought, kill and murder one Lucio Bernabe, a native, by shooting him, the said Lucio Bernabe, with rifles held in the hands of said band, of which they, the said Patricio Sanches and Fausto Sanches, and each of them, were members, inflicting wounds therewith whereof he, the said Lucio Bernabe, then and there died. This on or about the date and at or near the place specified.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, first charge, “guilty, except the words ‘Victor Torio,’ substituting therefor the words ‘Pedro Victorio,’ of the excepted words not guilty, of the substituted words guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Patricio Sanches, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring.”

And the commission does therefore sentence him, Fausto Sanches, native, “to be confined at hard labor, under guard, at such place as the reviewing authority may direct, for the period of his natural life.”

In the foregoing case it appears that the accused, Patricio Sanches and Fausto Sanches, were members of a band of armed outlaws which made an attack upon the village of San Juan de Guimba, Nueva Ecija, took two caraboas from the custody of and killed one Lucio Bernabe. The accused, Patricio Sanches, it is shown, personally killed deceased by shooting him twice with a rifle; and the accused, Fausto Sanches, to have been a willing member of the band combined together for the commission of this crime.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, the sentence against Patricio is commuted to imprisonment at hard labor for the period of his natural life. As thus commuted, and as also the sentence against Fausto Sanches, will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 20, 1901.

General Orders, No. 133.

Before a military commission which convened at the pueblo of Sorsogon, province of Sorsogon, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 203, Headquarters Department of Southern Luzon, November 4, 1900, and of which Maj. Keller Anderson, Forty-seventh Infantry, U. S. Volunteers, was president, and Capt. John G. Livingston, adjutant, Forty-seventh Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Santiago Escobeda, native.

CHARGE.—“Murder.”

Specification.—“In that on the 3d day of January, A. D. 1901, at or about the hour of 10 o'clock a. m., then, as now, a time of insurrection, at the town of Gubat, province of Sorsogon, Luzon, P. I., a place then, as now, occupied by the military forces and under the military government of the United States, one Santiago Escobeda,

native, did, on the day and at the place aforesaid, by and with the help of four others, willfully, feloniously, and with malice aforethought, then and there bind, assault, murder, and kill one Feliz Buenaventura, a native, by then and there cutting with a sharp instrument the throat of the said Feliz Buenaventura, then and there, and in the manner aforesaid, inflicting on the said Feliz Buenaventura a wound, from which wound the said Feliz Buenaventura died almost immediately. This at Gubat, province of Sorsogon, Luzon, P. I., on the 3d day of January, 1901."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Santiago Escobeda, native, "to be confined at hard labor at such place as the reviewing authority may direct for fifteen (15) years."

In the foregoing case of Santiago Escobeda, native, it appears that the accused, by his own admission before the commission, took an active part by seizing and holding the deceased by the throat while his companions stabbed him to death by blows with a dagger. No motive appears of record for taking the life of this law-abiding man.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner, Santiago Escobeda, native, will be sent, under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 22, 1901.

General Orders, No. 135.

Before a military commission which convened at the pueblo of Batangas, Province of Batangas, Luzon, P. I., pursuant to paragraph 11, Special Orders, No. 228, Headquarters Department of Southern Luzon, November 30, 1900, and of which Maj. Frederick K. Ward, First U. S. Cavalry, was president, and First Lieut. Edgar T. Cowley, Twenty-first U. S. Infantry, was judge-advocate, was arraigned and tried: Fortunato Cusi, a native.

CHARGE.—"Murder."

Specification.—"In that Fortunato Cusi, a native, did feloniously assault with a knife or dagger and did wilfully, maliciously, premeditatedly, and with malice aforethought kill a native named Felipe Garcia, by inflicting upon him several wounds or cuts of which he, the said Felipe Garcia, died during the same day. This at or near the barrio of Laguas, Pueblo of Banan, Province of Batangas, Luzon, P. I., on the 1st day of February, 1901."

PLEA.—"Not guilty."

FINDING.—Of the specification, "guilty except the words 'premeditatedly and with malice aforethought,' and of the excepted words, not guilty." Of the charge, "not guilty, but guilty of manslaughter."

SENTENCE.—And the commission does therefore sentence him, Fortunato Cusi, native, "To be confined at hard labor for twenty (20) years, at such place as may be designated by the proper authority." In the foregoing case it appears that the accused, Fortunato Cusi, attacked and killed with a dagger one Felipe Garcia, actuated by jealousy arising from alleged attentions paid by deceased to a girl to whom accused was engaged.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner, Fortunato Cusi, will be sent under proper guard.

By command of Major-General MacArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 22, 1901.

General Orders, No. 136.

Before a military commission which convened at the Pueblo of Bautista, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Capt. Harry

C. Benson, Fourth U. S. Cavalry, was president, and Second Lieut. Sylvester Bonnafon, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried Felix Fernandez and Valeriano Fernandez, natives.

CHARGE.—“Murder.”

Specification.—“In that Felix Fernandez and Valeriano Fernandez, natives, did, in time, then, as now, of insurrection, willfully, feloniously, and with malice aforethought murder and kill Lorenzo Mendoza with a bolo, inflicting wounds whereof the said Mendoza then and there died. This at Dinacuan, a barrio of Malasiqui, Province of Pangasinan, a place then, as now, within the theater of military operations of the United States forces, on or about the ninth day of November, 1900.

PLEA.—“Not guilty.”

FINDING.—Of the specification, “guilty, except the words ‘murder and kill,’ substituting therefor the words ‘by entering with the actual murderer, by their presence without protest, assist in the killing and murdering of;’ of the excepted words, not guilty; of the substituted words, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Felix Fernandez and Valeriano Fernandez, natives, and each of them, “To be confined at hard labor under charge of a guard, at such place as the reviewing authority may direct, for a period of twenty years.”

In the foregoing case of Felix Fernandez and Valeriano Fernandez, natives, the character of evidence submitted by the prosecution is not convincing on the question of the guilt of accused beyond a reasonable doubt. There is want of motive and the accusing witnesses disclose such lack of frankness in their evidence as to raise a strong presumption of intent to conceal, distort, or falsify facts material to the determination of the cause.

The sentence, therefore, is disapproved and these accused will be set at liberty.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 22, 1901.

General Orders, No. 137.

Before a military commission, which convened at Iloilo, Panay, P. I., pursuant to paragraph 3, Special Orders, No. 2, Headquarters Department of the Visayas, January 3, 1901, and of which Lieut. Col. Charles J. Crane, Thirty-eighth Infantry, U. S. Volunteers, was president, and Capt. William G. Fleischhauer, Thirty-eighth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Florentino Lucin, a native.

CHARGE I.—“Being a war traitor.”

Specification 1.—“In that on or about the 1st day of August, 1900, and at divers times since that date, then, as now, a time of insurrection, one Florentino Lucin, native, being then and there and on all of said days and dates an inhabitant of, and residing in, the pueblo of Cabatuan, island of Panay, P. I., then, as now, a place occupied by the military forces and under the military government of the United States, did, without the consent of the military government of the United States, or any military commander thereof, hold intercourse with the enemy in this that he, the said Florentino Lucin, native, did then and there receive from and send letters to, and hold secret conferences with, the leaders of the insurgents. This at the times and place mentioned.”

Specification 2.—“In that on or about the 1st day of August, 1900, and at divers times and days since said date, then, as now, a time of insurrection, one Florentino Lucin, native, he, the said Florentino Lucin, being then and there an inhabitant of, and residing in, the pueblo of Cabatuan, island of Panay, P. I., then, since, and now a place occupied by the military forces and under the military government of the United States, did, without authority of the United States military government or any military commander thereof, hold intercourse with the enemy, in this that he, the said Florentino Lucin, native, did then and there and at the times above mentioned deliver and cause to be delivered to the leaders of the insurgents certain money, food, and clothing for the use of the insurgent forces then and there engaged in insurrection against the duly constituted authority of the United States. This at the times and place mentioned.”

Specification 3.—“In that on or about the 1st day of August, 1900, then, since, and now a time of insurrection, one Florentino Lucin, native, was and since has been a

member, presidente, and treasurer of the Katipunan of the pueblo of Cabatuan, island of Panay, P. I., a society organized and instituted for the purpose of aiding, assisting, and supporting the insurgent forces in their rebellion against the lawfully constituted authority of the United States, by then and there contributing and collecting money, food, and clothing for said insurgent forces, the said Florentino Lucin, native, being then and there and at all times above mentioned an inhabitant of, and residing in, the pueblo of Cabatuan, island of Panay, P. I., since and now a place occupied by the military forces and under the military government of the United States. This at the times and place above mentioned."

CHARGE II.—"Rendering aid and comfort to the enemy."

Specification.—"In that on or about the 1st day of August, 1900, and at divers times and days since said date, then, as now, a time of insurrection, one Florentino Lucin, native, being then and there an inhabitant of, and residing in, the pueblo of Cabatuan, island of Panay, P. I., a place then and ever since occupied by the military forces and under the military government of the United States, did, then and there, in violation of his duties as such resident, give and render aid and comfort to the enemy in this that he, the said Florentino Lucin, native, did then and there solicit and collect large sums of money and large quantities of rice and clothing from the residents of the aforesaid pueblo of Cabatuan, island of Panay, P. I., and its adjacent barrios, and did afterwards, to wit, on or about the dates mentioned above, deliver and cause to be delivered to the insurgent forces the aforesaid money, rice, and clothing so collected as aforesaid. This at the times and places mentioned."

PLEA.—To the first specification, first charge, "not guilty." To the second specification, first charge, "not guilty." To the third specification, first charge, "not guilty." To the first charge, "not guilty." To the specification, second charge, "not guilty." To the second charge, "not guilty."

ADDITIONAL CHARGE I.—"Violating the oath of allegiance."

Specification 1.—"In that Florentino Lucin, a native, having on or about the 3d day of December, 1900, then, ever since, and now, a time of insurrection, voluntarily taken and subscribed to the oath of allegiance to the United States in the words and figures substantially as follows, to wit:

'Juramento de fidelidad.

'Ciudad de Cabatuan, Isla de Panay.

'Yo, Florentino Lucin, por la presente, renuncio á toda sumisión á cualquiera de y á todos los titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacífico de dichas islas y no mantendré relaciones directa ni indirectamente con, ni facilitaré noticias á, ningún enemigo de los Estados Unidos, ni prestaré apoyo, ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales de ningún género ni propósito de evadirla y así Dios me ayude.

'FLORENTINO LUCIN.

'Firmado y jurado ante mí, hoy, día 3 de Diciembre, 1900.'

"Did afterwards, to wit, on or about the 14th day of December, 1900, violate said oath of allegiance so taken as aforesaid by then and there holding secret conferences with leaders of the insurgents, he, the said Florentino Lucin, being then and there an inhabitant of, and residing in, the pueblo of Cabatuan, island of Panay, P. I., a place then, ever since, and now, occupied by the military forces and under the military government of the United States.

"This at the times and places above mentioned."

Specification 2.—"In that Florentino Lucin, a native, having on or about the 3d day of December, 1900, then, ever since, and now, a time of insurrection, voluntarily taken and subscribed to the oath of allegiance to the United States in words and figures substantially as follows, to wit:

'Juramento de fidelidad.

'Ciudad de Cabatuan, Isla de Panay.

'Yo, Florentino Lucin, por la presente, renuncio á toda sumisión á cualquiera de y á todos los titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacífico de dichas islas y no

mantendré relaciones directa ni indirectamente con, ni facilitaré noticias á, ningún enemigo de los Estados Unidos, ni prestaré apoyo, ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales de ningún género ni propósito de evadirla y así Dios me ayude.

FLORENTINO LUCIN.

—

‘Firmado y jurado ante mí, hoy, día 3 de Diciembre, 1900.’

“Did afterwards, to wit, on or about the 14th day of December, 1900, violate said oath of allegiance so taken as aforesaid by then and there harboring and entertaining leaders of insurgents at his house, he, the said Florentino Lucin, being then and there an inhabitant of, and residing in, the pueblo of Cabatuan, island of Panay, P. I., a place then, ever since, and now, occupied by the military forces and under the military government of the United States.

“This in the times and place above mentioned.”

Specification 3.—“In that Florentino Lucin, a native, having on or about the 3d day of December, 1900, then, ever since, and now, a time of insurrection, voluntarily taken and subscribed to the oath of allegiance to the United States in the words and figures substantially as follows, to wit:

“*Juramento de fidelidad.*

“CIUDAD DE CABATUAN, ISLA DE PANAY.

“Yo, Florentino Lucin, por la presente, renuncio á toda sumisión á cualquiera de y á todos los titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacífico de dichas islas, y no mantendré relaciones directa ni indirectamente con, ni facilitaré noticias á, ningún enemigo de los Estados Unidos, ni prestaré apoyo, ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales de ningún género ni propósito de evadirla, y así Dios me ayude.

FLORENTINO LUCIN.

“Firmado y jurado ante mí, hoy, día 3 de Diciembre, 1900.”

“Did afterwards, to wit: On or about the 14th day of December, 1900, violate said oath of allegiance so taken as aforesaid, by then and there aiding, abetting, and assisting the insurgents in burning the pueblo of Cabatuan, P. I., he, the said Florentino Lucin, being then and there an inhabitant of, and residing in, the pueblo of Cabatuan, Panay, P. I., a place then, ever since, and now occupied by the military forces, and under the military government of the United States.

“This at the times and place above mentioned.”

ADDITIONAL CHARGE II.—“Arson.” *Specification.*—“In that on or about the 14th day of December, 1900, then, as now, a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Florentino Lucin, a native, then and there did wilfully, feloniously, and maliciously order, direct, and cause to be burned in the night time 100 dwelling houses, more or less, in the said pueblo of Cabatuan, island of Panay, P. I.”

PLEA.—To the first specification, first additional charge, “not guilty;” to the second specification, first additional charge, “not guilty;” to the third specification, first additional charge, “not guilty;” to the first additional charge, “not guilty;” to the specification, second additional charge, “not guilty;” to the second additional charge, “not guilty.”

FINDING.—Of the first specification, first charge, “guilty, except the words ‘and hold secret conferences with,’ and of the excepted words, ‘not guilty.’” Of the second specification, first charge, “guilty;” of the third specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty;” of the first specification, first additional charge, “not guilty;” of the second specification, first additional charge, “guilty;” of the third specification, first additional charge, “guilty;” of the first additional charge, “guilty;” of the specification, second additional charge, “guilty;” of the second additional charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Florentino Lucin, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Florentino Lucin it appears that the court erred in proceeding to try the accused upon additional charges after the prosecution had rested and the defense had been heard upon charges originally referred to the commission. This portion of the proceedings and all relating exclusively thereto must be disapproved as irregular and unauthorized under the established procedure of commissions. Independent of these additional charges and the evidence relating thereto, the

proceedings in this case show beyond all doubt that the accused was a war traitor of the most pronounced and active kind.

The sentence is therefore confirmed, but in view of the irregularity above mentioned which makes it necessary to disregard some of the grave charges against the accused, the sentence is commuted to fifteen (15) years imprisonment at hard labor, and, as thus commuted, will be duly executed at the presidio de Manila, to which place the prisoner, Florentino Lucin, will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers,
Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 22, 1901.

General Orders, No. 138.

Before a military commission which convened at the pueblo of Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Captain Harry C. Benson, Fourth U. S. Cavalry, was president, and Second Lieut. Sylvester Bonnafon, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried Pedro Ordonia, alias Tarug, Antonio Sabangan and Alejandro Castro, natives.

CHARGE I.—“Kidnaping, contrary to the laws and usages of war.” Specification.—“In that they, Pedro Ordonia, alias Tarug, Antonio Sabangan, and Alejandro Castro, and each of them, did, in company of, and consorting with, a band of armed outlaws to the number of six, more or less, tie, bind and forcibly lead away from their places of abode Valeriano Camilene, Estevan Dias, Vicente Soriano and Vicente Cayetano, natives. This at or near B^o. Balaya, San Carlos, Pangasinan, Luzon, P. I., a place, then, as now, within the theater of active military operations by United States troops, on or about January 21, 1901, a time then, as now, of insurrection against the United States.”

CHARGE II.—“Arson.” Specification.—“In that they, Pedro Ordonia, alias Tarug, Antonio Sabangan and Alejandro Castro, and each of them, in company of, and consorting with, a band of armed outlaws to the number of six, more or less, did willfully and maliciously set fire to and burn the dwelling house of one Pablo Dias, a native. This at or near the B^o. Balaya, San Carlos, Pangasinan, Luzon, P. I., a place then, as now, within the theater of active military operations by United States troops, on or about January 21, 1901, a time then, as now, of insurrection against the United States.”

CHARGE III.—“Murder.” Specification.—“In that they, Pedro Ordonia, alias Tarug, Antonio Sabangan, Alejandro Castro, and each of them, in company of, and consorting with, a band of armed outlaws to the number of six, more or less, did tie and bind Valeriano Camilene and Estevan Dias, natives, thereby rendering said natives entirely helpless, then did willfully, feloniously and with malice aforethought kill and murder said Valeriano Camilene and Estevan Dias, by stabbing them, the said natives, with a knife or knives held in the hands of a member or members of said band, inflicting wounds with said knife or knives whereof the said Valeriano Camilene and Estevan Dias then and there died. This at or near the B^o. Balaya, San Carlos, Pangasinan, Luzon, P. I., a place then, as now, within the theater of active military operations by United States troops, on or about Jan. 21, 1901, a time then, as now, of insurrection against the United States.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Pedro Ordonia, alias Tarug, Antonio Sabangan and Alejandro Castro, natives, and each of them, “to be hanged by the neck until dead, at such time and at such place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Antonio Sabangan, Pedro Ordonia, alias Tarug, and Alejandro Castro, natives, it appears that these accused and one other, armed with a pistol and bolos, seized and stabbed to death two men and set fire to the house from which they were taken. No motive appears for the crime.

The sentences, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of their natural lives. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which these prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 25, 1901.

General Orders, No. 140.

Before a military commission, which convened at the Pueblo of Nueva Caceres, Province of Camarines Sur, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 8, Headquarters Department of Southern Luzon, January 8, 1901, and of which Lieut. Col. Almond B. Wells, Ninth U. S. Cavalry, was president, and First Lieut. James A. Ryan, Ninth U. S. Cavalry, was judge-advocate, was arraigned and tried Francisco de Asis, native.

CHARGE I.—“Violation of the laws of war.”

Specification 1.—“In that Francisco de Asis, presidente of the Pueblo of Gainza, Camarines Sur, Luzon, P. I., having voluntarily taken and subscribed to the oath of office and allegiance to the United States, did violate said oath by holding communication with the insurgents, whom he permitted to enter his pueblo, and whom he entertained at his residence. This on or about June 7, 1900, then, as now, a time of insurrection at the Pueblo of Gainza, Camarines Sur, Luzon, P. I., a place, then, as now, under the military authority of the United States.”

Specification 2.—“In that Francisco de Asis, presidente of the Pueblo of Gainza, Camarines Sur, Luzon, P. I., while occupying a position of trust and living under the protection of the United States, did hospitably receive and entertain at his residence one Thomas Brooks, accompanied by four insurgents, said Brooks having deserted the service of the United States and stolen two rifles therefrom, he, the said Francisco de Asis, well knowing the same, and did aid and assist said Thomas Brooks and said insurgents in reaching the insurgent camp. This on or about October 12, 1900, then, as now, a time of insurrection, at the Pueblo of Gainza, Camarines Sur, Luzon, P. I., a place, then, as now, under the military authority of the United States.”

Specification 3.—“In that Francisco de Asis, presidente of the Pueblo of Gainza, Camarines Sur, Luzon, P. I., while occupying a position of trust and living under the protection of the United States, did write and send a letter to an officer of the insurgent forces in camp near Libmanan, Camarines Sur, Luzon, P. I., in which he denounced as an American spy one Valentine Prudencia, then a prisoner in said camp, on account of which denunciation the said Valentine Prudencia was severely punished by said insurgents. This on or about November 2, 1900, then, as now, a time of insurrection, at or near the places above specified, said places being then, as now, under the military authority of the United States.”

Specification 4.—“In that Francisco de Asis, presidente of the Pueblo of Gainza, Camarines Sur, Luzon, P. I., while occupying a position of trust, and living under the protection of the United States, did, as presidente, use and direct the local police, under his charge, as guides for and to communicate with the insurgent forces. This on or about June 7, 1900, then, as now, a time of insurrection, at the Pueblo of Gainza, Camarines Sur, Luzon, P. I., a place, then, as now, under the military authority of the United States.”

CHARGE II.—“Kidnapping, in violation of the laws of war.”

Specification 1.—“In that Francisco de Asis, presidente of the Pueblo of Gainza, Camarines Sur, Luzon, P. I., occupying a position of trust, and living under the protection of the United States, did receive and entertain at his residence a body of armed insurgents to the number of sixteen, more or less, from which they went forth and feloniously and forcibly seized, against his will and consent, the person of one Valentine Prudencia, a peaceable citizen of said pueblo, and did carry him off to the insurgent camp, in the presence and with the consent of the said Francisco de Asis. This on or about June 7, 1900, then, as now, a time of insurrection, at or near the Pueblo of Gainza, Camarines Sur, Luzon, P. I., a place, then, as now, under the military authority of the United States.”

Specification 2.—“In that Francisco de Asis, presidente of the pueblo of Gainza, Camarines Sur, Luzon, P. I., occupying a position of trust and living under the protection of the United States, did allow a body of armed insurgents, to the number of fifty, more or less, to enter his pueblo, and did, in obedience to a written request from a notorious insurgent leader, Juan Delmacio, permit these insurgent soldiers to seize and carry away the person of one Valentine Prudencia, against his will and consent, in the presence and with the consent of said Francisco de Asis. This on or about November 2, 1900, then as now, a time of insurrection, at or near the Pueblo of Gainza, Camarines Sur, Luzon, P. I., a place, then, as now, under the military authority of the United States.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “guilty, except the words ‘having voluntarily taken and subscribed to the oath of office and allegiance to the United

States, did violate said oath;' and of the excepted words, not guilty; substituting therefor the words 'while occupying a position of trust and living under the protection of the United States, did violate said trust;' and of the substituted words, guilty." Of the second specification, first charge, "guilty." Of the third specification, first charge, "guilty." Of the fourth specification, first charge, "guilty." Of the first charge, "guilty." Of the first specification, second charge, "guilty." Of the second specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Francisco de Asis, "to be confined at hard labor at such place as the reviewing authority may direct, for the remainder of his natural life."

In the foregoing case it appears that the accused, Francisco de Asis, while occupying the office of presidente of Gainza, Camarines Sur, under the U. S. Government and living under its protection, actively assisted the insurgent forces, received their armed bands as honored guests in his house, communicated with their chiefs by letter, and denounced to them for punishment one Valentine Prudencia, justice of the peace of Gainza, as one friendly to the Americans. In consequence of this denunciation, Prudencia was twice kidnaped by the insurgents, held prisoner for six weeks and submitted to the cruel castigation of twenty-five blows on his bared back with a behuca club, from which he carries life-lasting scars.

It also appears that the accused aided one Thomas Brooks, a deserter from the American service, to join the insurgent forces, sending him with an escort of policemen into the insurgent lines and providing him with bancas for his transportation. Accused also took active steps to prevent information of the outrages perpetrated in his jurisdiction from being presented to the American authorities.

The sentence, approved by the department commander, is confirmed, but the period of confinement at hard labor is mitigated to ten years. As thus mitigated, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 25, 1901.

General Orders, No. 141.

Before a military commission which convened at Nueva Caceres, province of Camarines Sur, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 8, Headquarters Department of Southern Luzon, January 8, 1901, and of which Lieut. Col. Almond B. Wells, Ninth U. S. Cavalry, was president, and First Lieut. James A. Ryan, Ninth U. S. Cavalry, was judge-advocate, was arraigned and tried Aniceto Abanes Vasquez, native.

CHARGE.—"Violation of the laws of war." Specification.—"In that Aniceto Abanes Vasquez, native, having voluntarily taken and subscribed to the oath of allegiance to the United States, on August 2, 1900, did soon after violate said oath by joining the insurgent forces, in which he was addressed as captain, and did act as an insurgent in that capacity until captured by the United States forces February 8, 1901. This during the time about specified, then, as now, a time of insurrection, in the vicinity of Pili, Camarines Sur, Luzon, P. I., a place, then, as now, under the military authority of the United States."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Aniceto Abanes Vasquez, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life."

In the foregoing case it appears that the accused, Aniceto Abanes Vasquez, voluntarily took the oath of allegiance to the United States Government on August 2, 1900, and five days thereafter joined the insurgent forces, with whom he served as a captain until captured February 8, 1901, by the American troops. At the time of his capture papers were found in his possession showing him to be then engaged in collecting contributions for the insurgent cause.

No reasonable doubt as to the guilt of accused arises from the evidence, and his contention that he was compelled to join the insurgents under threats of death does not explain why he did not seek American protection during the many months of his service, when he appears to have had entire freedom of action.

The sentence, approved by the department commander, is confirmed, but is miti-

gated to confinement at hard labor for the period of ten (10) years, and, as thus commuted, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 25, 1901.

General Orders, No. 142.

Before a military commission which convened at the pueblo of Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 234, Headquarters Department of Northern Luzon, December 23, 1900, and of which Maj. Charles L. Hodges, Seventeenth U. S. Infantry, was president, and Second Lieut. John R. Thomas, jr., Seventeenth U. S. Infantry, was judge-advocate, were arraigned and tried Tito Gutierrez and Juan Melendez, natives.

CHARGE.—“Murder.”

Specification 1.—“In that Tito Gutierrez and Juan Melendez, natives, on or about March 21, 1900, then, as now, a time of insurrection, at or near the barrio of Caloocan, pueblo of Binmaley, province of Pangasinan, P. I., a place then, as now, in the theater of active military operations, did willfully, feloniously, and with malice aforethought, kill and murder one Luis Ferrer, native, by stabbing him, the said Ferrer, with bolos held in the hands of the said Tito Gutierrez and Juan Melendez, inflicting severe wounds therewith, whereof he, the said Ferrer, then and there died. This at the time and place above specified.”

Specification 2.—“In that Tito Gutierrez and Juan Melendez, natives, on or about March 27, 1900, then, as now, a time of insurrection, at or near the barrio of Caloocan, pueblo of Binmaley, province of Pangasinan, P. I., a place then, as now, in the theater of active military operations, did willfully, feloniously, and with malice aforethought, kill and murder one Valentin Ramos, native, by stabbing him, the said Ramos, with bolos, held in the hands of the said Tito Gutierrez and Juan Melendez, inflicting severe wounds therewith, whereof he, the said Ramos, then and there died. This at the time and place above specified.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, “guilty, excepting the word ‘bolos,’ substituting therefor the words, ‘a dagger,’ and excepting the words, ‘Tito Gutierrez and,’ where they follow the words, ‘hands of said;’ of the excepted words, not guilty, of the substituted words, guilty;” of the second specification, “not guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Tito Gutierrez and Juan Melendez, natives, and each of them, “to be hanged by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case it appears that these accused, Tito Gutierrez and Juan Melendez, at Caloocan, Binmaley, Pangasinan, about March 21, 1900, sequestered and killed with daggers one Luis Ferrer. Some doubt springs from the record as to whether the motive of this crime was a desire to rid the community of a notorious ladrone, personal fear on the part of the accused of the animosity of deceased, or the personal enmity existing between accused and deceased.

None of these motives excuse the crime, but they are relevant to the consideration of its degree.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, is commuted, as to each of them, to imprisonment at hard labor for the term of twenty years. The sentence, as thus commuted, will be duly executed at the Presidio de Manila, to which place these prisoners will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 27, 1901.

General Orders, No. 143.

Before a military commission which convened at the pueblo of Pozorrubio, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220,

Headquarters Department of Northern Luzon, December 8, 1900, and of which Capt. Samson L. Faison, Thirteenth U. S. Infantry, was president, and First Lieut. Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried Doroteo Orbino, Juan Seraloy, Domingo Seraloy, and Jose Tambalgui, natives.

CHARGE.—“Murder.” Specification: “In that they, Doroteo Orbino, Juan Seraloy, Domingo Seraloy, and Jose Tambalgui, natives, at Pozorrubio, province of Pangasinan, Luzon, P. I., a place then as now under the military authority of the United States, on or about March 10, 1900, a time then as now of insurrection against the authority of the United States, did feloniously kill and murder Vicente de la Cruz and Felisardo Pasag, natives, and residents of Pozorrubio, P. I., by stabbing, cutting, or hacking them, the said Vicente de la Cruz and Felisardo Pasag, with sharp instruments commonly called bolos, held in the hands of the said Doroteo Orbino, Juan Seraloy, Domingo Seraloy, and Jose Tambalgui, inflicting wounds thereby whereof the said Vicente de la Cruz and Felisardo Pasag then and there, or shortly afterwards, died. This at the time and place above specified.”

PLEA.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCES.—And the commission does therefore sentence him, Doroteo Orbino, native, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

And the commission does therefore sentence him, Jose Tambalgui, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years.”

And the commission does therefore sentence them, Juan Seraloy and Domingo Seraloy, natives, and each of them, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of ten years.”

In the foregoing case it appears that these accused, Doroteo Orbino, Juan Seraloy, Domingo Seraloy, and Jose Tambalgui, natives, were members of a band of outlaws operating in the vicinity of Pozorrubio and terrorizing the inhabitants into submission to their rule by the assassination of various members of the community. Accused, Doroteo Orbino, was a captain; Jose Tambalgui, a lieutenant, and Juan Seraloy and Domingo Seraloy, so-called soldiers of this band.

These four accused, about March 10, 1900, sequestered, killed, and beheaded with bolos, two natives, Vicente de la Cruz and Felisardo Pasag, accused of being “Americanistas,” such charge being founded on the fact that these victims had been in the habit of supplying beef for the American garrison. After the killing these accused forced several of the natives to carry the bodies to an isolated spot, and cast them into the mud on the banks of a stream, where they were subsequently found and identified. No denial of the deed is made by these accused, three of them simply resting their defense upon the statement that they were soldiers of accused, Doroteo Orbino, and that they acted under his orders through personal fear.

The sentence, approved by the department commander, is confirmed, and as against accused, Doroteo Orbino, will be duly executed at the pueblo of Pozorrubio, province of Pangasinan, Luzon, P. I., on the 19th day of July, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon. As against the accused, Juan Seraloy, Domingo Seraloy, and Jose Tambalgui, the sentence will be duly executed at the Presidio de Manila, to which place they will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., June 27, 1901.

General Orders, No. 144.

Before a military commission which convened at the city of Manila, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 236, Headquarters Provost-Marshal-General (separate brigade provost guard), December 13, 1900, and of which Col. William S. McCaskey, Twentieth U. S. Infantry, was president, and Second Lieut. C. Stuart Patterson, Sixth U. S. Artillery, was judge-advocate, was arraigned and tried Segundo Tiacto Alvarez, native.

CHARGE.—“Murder.”

Specification.—“In that Segundo Tiacto Alvarez, native, on or about the 22d day of August, 1899, then as now a time of insurrection, in the city of Manila, Luzon, P. I., a place then as now under the military government of the United States of America,

willfully, feloniously, and with malice aforethought, did kill and murder one Vidal Manalo, a native, by stabbing him with a knife in the hands of him, the said Segundo Tiacto Alvarez, then and there had and held, inflicting thereby wounds whereof he, the said Vidal Manalo, died on or about the 22d day of August, 1899. This at the time and place above specified."

PLEA.—"Not guilty."

FINDING.—Of the specification, "guilty, excepting the word 'August,' substituting therefor the word 'May;' of the excepted word, not guilty, and of the substituted word, guilty." Of the charge, "guilty."

SENTENCE.—And the commission therefore sentence him, Segundo Tiacto Alvarez, native, "to be hanged by the neck until he shall be dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring."

In the foregoing case it appears that the accused, Segundo Tiacto Alvarez, native, without any apparent motive, made an assault in the daytime upon the deceased, who was passing along the street unarmed, and with an open pocketknife made repeated deep-cutting wounds upon the person of his victim, who pleaded vainly for mercy, and died upon the spot where the fatal blows were given.

The sentence, approved by the convening authority, is confirmed, but upon his recommendation is commuted to imprisonment at hard labor for the period of his natural life. As thus commuted the sentence will be duly executed at the Presidio de Manila.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 27, 1901.

General Orders, No. 145.

Before a military commission which convened at Palanoc, island of Masbate, P. I., pursuant to paragraph 5, Special Orders, No. 11, Headquarters Department of Southern Luzon, January 11, 1901, and of which Capt. Abner Pickering, Second U. S. Infantry, was president, and First Lieut. Peter E. Marquart, Second U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Maximo Arimosa, Agustin Juicio, Ynocencio de la Cruz, Narcisso Boltron, and Tomas Baybayon, natives.

CHARGE.—"Murder."

Specification.—"In that Maximo Arimosa, Agustin Juicio, Ynocencio de la Cruz, Narcisso Boltron, and Tomas Baybayon, natives, and each of them, did feloniously and with malice aforethought, acting together and with others, murder and kill Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, natives, and each of them, by shooting, cutting, stabbing, and striking them, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, with guns, revolvers, knives, bolos, and clubs, held in the hands of the said Maximo Arimosa, Agustin Juicio, Ynocencio de la Cruz, Narcisso Boltron, and Tomas Baybayon, then and there inflicting upon the persons of the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, wounds whereof they, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, and each of them, then and there died. This at or near the pueblo of Naro, Island of Masbate, P. I., on or about the 14th day of August, 1900, in time of insurrection against the authority of the United States, said pueblo of Naro being at the time under the jurisdiction of the United States."

PLEAS.—Ynocencio de la Cruz, "guilty;" Maximo Arimosa, Agustin Juicio, Narcisso Boltron, and Tomas Baybayon, and each of them, "not guilty."

FINDINGS.—Narcisso Boltron, "not guilty;" Maximo Arimosa, Agustin Juicio, Ynocencio de la Cruz, and Tomas Baybayon, and each of them, "guilty."

SENTENCE.—And the commission does therefore sentence them, Agustin Juicio, Ynocencio de la Cruz, and Tomas Baybayon, natives, and each of them, "to be

hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein." Maximo Arimosa, native, "to be confined at hard labor, at such place as the proper authority may direct, for the period of his natural life." And the commission does therefore "acquit" him, Narcisso Boltron, native.

II. Quintin Macaydor and Pedro Abejero, natives.

CHARGE.—"Murder."

Specification.—"In that Pedro Atendido, Augustin Sagalo, Pedro Abejero, and Quintin Macaydor, natives, and each of them, did, feloniously, and with malice aforethought, murder and kill Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, natives, and each of them, by shooting, cutting, stabbing, and striking them, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, with guns, revolvers, knives, bolos, and clubs, held in the hands of the said Pedro Atendido, Augustin Sagalo, Pedro Abejero, and Quintin Macaydor, then and there inflicting upon the persons of the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, wounds, whereof they, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candida de los Reyes, Dionisio Bedarugga, and Antonio Caldeville, died." "This at or near the pueblo of Naro, island of Masbate, P. I., on the 14th day of August, 1900."

PLEA.—"Not guilty."

FINDING.—Quintin Macaydor, "guilty;" Pedro Abejero, "not guilty."

SENTENCE.—And the commission does therefore sentence him, Quintin Macaydor, native, "To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein." And the commission does therefore "acquit" him, Pedro Abejero, native.

In the foregoing cases, it appears that these accused, Maximo Arimosa, Agustín Juicio, Ynocencio de la Cruz, Tomas Baybayon, and Quintin Macaydor, were active and influential members of a band of armed Tulcanes which attacked the house of Antonio Echevarria, at Naro, Masbate, August 14, 1900, murdered eleven members of the Echevarria family, tied the dead bodies into sacks and cast them into the sea. Robbery seems to have been the only motive for this fiendish crime, and no mitigating circumstance appears incidental to its commission.

The sentences, approved by the department commander, are confirmed, and will be duly executed as against Agustín Juicio, Ynocencio de la Cruz, Tomas Baybayon, and Quintin Macaydor, at the pueblo of Masbate, island of Masbate, P. I., on the second (2d) day of August, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon. As against the accused Maximo Arimosa, the sentence will be duly executed at the presidio de Manila, to which place this prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., June 27, 1901.

General Orders, No. 146.

Before a military commission which convened at the pueblo of Sorsogon, province of Sorsogon, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 203, Headquarters Department of Southern Luzon, November 4, 1900, and of which Maj. Keller Anderson, Forty-seventh Infantry, U. S. Volunteers, was president, and Capt. John G. Livingston, adjutant Forty-seventh Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Benito Dorotan, native.

CHARGE.—"Murder."

Specification.—"In that on the 3d day of January, A. D. 1901, at about the hour of 10 o'clock a. m., then, as now, a time of insurrection, at or near the town of Gubat, province of Sorsogon, Luzon, P. I., a place then, as now, occupied by the military forces and under the military government of the United States, one Benito Dorotan,

a native, did, on the day and at the place aforesaid, by and with the help of four others, willfully, feloniously, and with malice aforethought then and there bind, assault, murder, and kill one Feliz Buenaventura, a native, by then and there and in the manner aforesaid inflicting on the said Feliz Buenaventura a wound from which the said Feliz Buenaventura died almost immediately. This at Gubat, province of Sorsogon, Luzon, P. I., on the 3d day of January, 1901."

PLEA.—"Guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Benito Dorotan, native, "To be hanged by the neck until dead, two-thirds of the commission concurring, at such time and place as the reviewing authority may direct."

In the foregoing case it appears that this accused, Benito Dorotan, native, attacked and killed with a dagger one Feliz Buenaventura, on the alleged ground that deceased was an "Americanista." It also appears that this accused in frequent prior declarations declared his intention of killing deceased and several other natives accused by him of being friendly to the Americans.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Sorsogon, province of Sorsogon, Luzon, P. I., on the second (2d) day of August, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 27, 1901.

General Orders, No. 147.

Before a military commission which convened at the city of Manila, Luzon, P. I., pursuant to paragraph 12, Special Orders, No. 204, Headquarters Division of the Philippines, December 6, 1900, and of which Brig. Gen. Frederick D. Grant, U. S. Volunteers, was president, and Capt. Samson L. Faison, Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried: Servillano Aquino, native.

CHARGE I.—"Murder."

Specification.—"In that Servillano Aquino did, on or about the 5th day of January, A. D. 1900, then, as now, a time of insurrection in the Philippine Islands against the lawful authority of the United States, in the barrio of Camansi, Pueblo of Magalang, in the Province of Pampanga, Luzon, P. I., a place, then, as now, within the theater of military operations and within the territory occupied by the armed forces of the United States, then and there being the leader and in command of a band of armed insurgents, guerrillas, and rebels, in insurrection against the lawful authority of the United States, and having in his custody five soldiers of the United States Army, to wit, Private Alonzo Brown, Private Charles C. Cook, Private Joseph C. Cook, all of Company B, of the Ninth U. S. Infantry, and Regimental Commissary Sergeant Christian Pederson, of the Twelfth U. S. Infantry, and Cook Edward E. Norval, of Company B, Twelfth U. S. Infantry, willfully and maliciously and with malice aforethought, kill and murder Private Alonzo Brown, Private Charles C. Cook, and Private Joseph C. Cook, aforesaid, by then and there ordering and causing nine members, more or less, of the said band, whose names are unknown, then and there under his command and subject to his orders, to shoot and kill them, the said Private Alonzo Brown, Private Charles C. Cook, and Private Joseph C. Cook, with guns held in the hands of the said nine members, more or less, of the said band, and thereby inflict wounds whereof the said Private Alonzo Brown did then and there die, and whereof the said Private Charles C. Cook did afterwards die, to wit, on the 5th day of January, A. D. 1900, and whereof the said Private Joseph C. Cook did afterwards die, to wit, on the 11th day of January, A. D. 1900."

CHARGE II.—"Assault with intent to murder."

Specification.—"In that he, the said Servillano Aquino, did, on or about the 5th day of January, A. D. 1900, then, as now, a time of insurrection in the Philippine Islands against the lawful authority of the United States, at the barrio of Camansi, Pueblo of Magalang, in the province of Pampanga, Luzon, P. I., a place, then, as now, within the theater of military operations and within the territory occupied by the armed forces of the United States, then and there being the leader and in command of a band of armed insurgents, guerrillas, and rebels, in insurrection against the lawful authority of the United States, and having in his custody five soldiers of the

United States Army, to wit, Private Alonzo Brown, Private Charles C. Cook, Private Joseph C. Cook, all of Company B of the Ninth U. S. Infantry, and Regimental Commissary Sergeant Christian Pederson, of the Twelfth U. S. Infantry, and Cook Edward E. Norval, of Company B, Twelfth U. S. Infantry, wilfully and maliciously assault, with force of arms, Commissary Sergeant Christian Pederson and Cook Edward E. Norval, with loaded guns and rifles, with intent then and there to kill the said Christian Pederson and the said Edward E. Norval, by then and there willfully and feloniously and with malice aforethought, ordering, commanding, and causing nine members, more or less, of the said band, whose names are unknown, then and there under his leadership, command, and orders, to shoot at the said Christian Pederson and the said Edward E. Norval with guns, then and there held in their hands, with intent then and there, with the said deadly weapons, which were discharged pursuant to said directions and commands, to kill and murder the said Christian Pederson and the said Edward E. Norval, and each of them."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Servillano Aquino, native, "To be confined at hard labor for the remainder of his natural life at such place as the reviewing authority may direct."

The sentence in the foregoing case of Servillano Aquino is approved, and will be duly executed at the Presidio de Manila.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., June 29, 1901.

General Orders, No. 150.

I. Before a military commission which convened at the pueblo of Iloilo, island of Panay, P. I., pursuant to paragraph 10, Special Orders, No. 67, Headquarters Department of the Visayas, March 13, 1901, and of which Lieut. Col. Charles J. Crane, Thirty-eighth Infantry, U. S. Volunteers, was president, and Capt. William G. Fleischhauer, Thirty-eighth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried: Anastacio Cadeon, alias Teniente Tacio, a native.

CHARGE I.—"Murder."

Specification.—"In that on or about the 17th day of December, A. D. 1899, then as now a time of insurrection, at or near the pueblo of Igaras, in the island of Panay, P. I., then as now a place under the military government of the United States, and in the theatre of active military operations, one Anastacio Cadeon, alias Teniente Tacio, a native, in company of and consorting with a band of outlaws, commonly known as 'ladrones,' to the number of ten (10) more or less, did willfully, feloniously, and with malice aforethought, murder and kill one Mariano Benedicto, a native and presidente of the said pueblo of Igaras, by then and there cutting and stabbing the said Mariano Benedicto with a deadly weapon, commonly called a 'kris,' held in the hands of the said Anastacio Cadeon, alias Teniente Tacio, then and there and in the manner aforesaid, inflicting upon the said Mariano Benedicto divers wounds from the effects of which said wounds so inflicted as aforesaid the said Mariano Benedicto did then and there die."

CHARGE II.—"Assault with intent to kill."

Specification.—"In that on or about the 17th day of December, A. D. 1899, then as now a time of insurrection, at or near the pueblo of Igaras, in the island of Panay, P. I., then as now a place under the military government of the United States, and in the theatre of active military operations, one Anastacio Cadeon, alias Teniente Tacio, a native, in company of and consorting with a band of outlaws, commonly known as 'ladrones,' to the number of ten (10) more or less, did make a violent assault upon one Nicanor Benedicto, by then and there cutting and stabbing with a dangerous weapon commonly called a 'kris,' held in the hands of the said Anastacio Cadeon, alias Teniente Tacio, with intent then and there, feloniously, wilfully, and with malice aforethought, to kill and murder the said Nicanor Benedicto."

CHARGE III.—"Mayhem."

Specification.—"In that on or about the 17th day of December, A. D. 1899, then as now a time of insurrection, at or near the pueblo of Igaras, in the island of Panay, P. I., then as now a place under the military government of the United States and in the theatre of active military operations, one Anastacio Cadeon, alias Teniente Tacio, a native, in company of and consorting with a band of armed outlaws, commonly

called 'ladrones,' to the number of ten (10) more or less, did feloniously, wilfully, and with malice aforethought, assault one Nicanor Benedicto, a native, with a dangerous weapon, commonly called a 'kris,' then and there held in the hands of the said Anastacio Cadeon, alias Teniente Tacio, by then and there cutting off the left hand of the said Nicanor Benedicto, thereby maiming the said Nicanor Benedicto and rendering him less able to defend himself."

CHARGE IV.—"Arson."

Specification 1.—"In that on or about the 18th day of December, A. D. 1899, then as now a time of insurrection, at the pueblo of Igaras, in the island of Panay, P. I., a place then as now under the military government of the United States, one Anastacio Cadeon, alias Teniente Tacio, a native, in company of and consorting with a band of armed outlaws, commonly called 'ladrones,' to the number of ten (10) more or less, did wilfully, maliciously, and feloniously set fire to and burn the dwelling house of one Mariano Benedicto."

Specification 2.—"In that on or about the 18th day of December, A. D. 1899, then as now a time of insurrection, at or near the pueblo of Igaras, in the island of Panay, P. I., a place then as now under the military government of the United States, one Anastacio Cadeon, alias Teniente Tacio, a native, in company and consorting with a band of armed outlaws, commonly called 'ladrones,' to the number of ten (10), more or less, did wilfully, maliciously, and feloniously set fire to and burn fifty (50) dwelling houses, more or less, belonging to and occupied by the natives of the said pueblo of Igaras."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Anastacio Cadeon, alias Teniente Tacio, a native, "To be hanged by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the military commission concurring in the death sentence."

In the foregoing case of Anastacio Cadeon, alias Teniente Tacio, a native, it appears from the evidence that the accused, in command of an armed band of ladrones, entered the pueblo of Igaras, assailed and killed the presidente with a kris or war bolo, then attacked the presidente's son, cut off his left hand, and beat him to the ground with other blows of said deadly instrument, and then opened the boxes in the ayuntamiento in search for money. Departing, the band returned the next day, the accused taking a leading part in looting the houses of valuables, driving away carabao and cows, and, with his own hands, aiding in setting fire to many houses in one of which lay the dead body of the presidente. Actuated by the basest of motives and executed with inhuman cruelty, there can be no clemency extended to the perpetrators of these crimes.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the pueblo of Leon, island of Panay, P. I., on the ninth (9th) day of August, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

II. Maj. Andrew H. Russell, Ordnance Department, U. S. Army, having reported at these headquarters in compliance with paragraph 24, Special Orders, No. 91, current series, Headquarters of the Army, is assigned and announced as chief ordnance officer of the Division, relieving Capt. George Montgomery, Ordnance Department, U. S. Army. Captain Montgomery will turn over to Major Russell all funds, property, and records for which he is accountable, and upon being thus relieved will report to Major Russell for duty at the Manila Ordnance Depot.

By command of Major-General MacArthur.

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 29, 1901.

General Orders, No. 151.

Before a military commission which convened at the city of Manila, Luzon, P. I., pursuant to paragraph 13, Special Orders, No. 101, Headquarters Department of Southern Luzon, April 11, 1901, and of which Maj. George G. Greenough, Artillery Corps, was president, and Capt. Palmer E. Pierce, Eighth U. S. Infantry, was judge-advocate, was arraigned and tried Benancio Cueto, alias Venancio Queto, alias Capitan Benancio, native.

CHARGE.—“Violation of the laws of war.”

Specification 1.—“In that Benancio Cueto, alias Venancio Queto, alias Capitan Benancio, of insurrectos, native, being a member of the forces of a public enemy in insurrection against the United States, did, without authority, and secretly, lurk and act as a spy in and about the town of Bay, province of Laguna, P. I., a military station of the Army of the United States, and did there collect material information in regard to the numbers, resources, and operations of said army with intent to impart the same to the enemy.

“This in time of insurrection at or near and in the town of Bay, province of Laguna, P. I., on or about January 1, 1901, after the hour of sunset.”

Specification 2.—“In that Benancio Cueto, alias Venancio Queto, alias Capitan Benancio of insurrectos, a native, did, in the nighttime, under cover of darkness, enter a house in the town of Bay, province of Laguna, P. I., said house being ostensibly the dwelling of one Barcilia Corrillo, and said house being barricaded with sacks of unshelled rice, or other substance, against the building occupied as quarters by the troops of the U. S. Army composing the garrison at the town of Bay, province of Laguna, and did, upon the approach of United States troops to said house, conceal himself under the bed therein, with a loaded revolver in his hand, and did point said revolver at two officers and one enlisted man of the United States troops at Bay, province of Laguna, who were in the proper uniform of their grades, namely, First Lieut. Leigh A. Fuller, assistant surgeon, U. S. A.; Capt. E. N. Jones, Eighth Infantry, and Private Michael Hastings, Company K, Eighth Infantry, thereby offering armed resistance against the legally organized forces of the United States.

“This in time of insurrection, in the town of Bay, province of Laguna, P. I., at about 11 o'clock p. m., January 1, 1901.”

Specification 3.—In that Benancio Cueto, alias Venancio Queto, alias Capitan Benancio of insurrectos, a native, did, under cover of darkness, introduce two natives, who gave their names as Juan Ponganibang and Damion Adapt, respectively, into a barricaded house in the town of Bay, province of Laguna, P. I., with arms, said town being occupied and garrisoned by troops of the United States Army.

“This at Bay, province of Laguna, P. I., January 1, 1901, and in time of insurrection.”

ADDITIONAL CHARGE.—“Murder in violation of the laws of war.”

Specification.—“In that Benancio Cueto, alias Venancio Queto, alias Capitan Benancio of insurrectos, native, did willfully and deliberately, and with malice aforethought, kill one Domingo Punsalan, native, presidente of Bay, Laguna Province, P. I., by shooting him one or more times with a revolver, inflicting wounds from which the said Domingo Punsalan, then and there died.

“This at Bay, Laguna Province, P. I., about the 30th day of April, 1900, under cover of darkness, then, as now, time of insurrection.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “guilty, except the words ‘and did there collect material information in regard to the numbers, resources, and operations of said army, with intent to impart the same to the enemy;’ of the excepted words, not guilty.” Of the second specification, first charge, “guilty, except the words ‘with a loaded revolver in his hand, and did point said revolver at two officers and one enlisted man of the United States troops at Bay, Province of Laguna, who were in the proper uniform of their grades, namely: First Lieut. Leigh A. Fuller, Assistant Surgeon, U. S. A.; Capt. E. N. Jones, 8th Infantry, and Private Michael Hastings, Company K, 8th Infantry, thereby offering armed resistance against the legally organized forces of the United States;’ of the excepted words, not guilty.” Of the third specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, additional charge, “guilty.” Of the additional charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Benancio Cueto, alias Venancio Queto, alias Capitan Benancio of insurrectos, native, “to be hung by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the commission concurring therein.”

In the foregoing case, it appears that the accused, Benancio Cueto, alias Venancio Queto, alias Captain Benancio, was a reputed captain of insurgents and captured in a barricaded native house at Bay, Laguna Province, armed and accompanied by two of his followers. No evidence of his violation of the laws of war, as specified under the first charge, appears of record, and indeed, two of the specifications under that charge do not state facts sufficient to constitute a crime. For these reasons, the findings of the commission on the first charge and its specifications were properly disapproved by the department commander.

Under the additional charge of murder, it appears that the accused, together with an armed band of insurgents, shot to death, at his residence, at Bay, Laguna Province,

Domingo Punsalan, presidente of the pueblo, for no other apparent motive than the fact that his victim had accepted the office of presidente under the American Government.

No reasonable doubt as to the guilt of the accused of the crime thus charged, arises from the record.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, is commuted to imprisonment at hard labor for the period of the natural life of the accused Benancio Cueto. The Presidio de Manila is designated as the place of execution of the sentence, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 29, 1901.

General Orders, No. 152.

Before a military commission, which convened at the pueblo of Lingayen, province of Pangasinan, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 97, Headquarters Department of Northern Luzon, April 9, 1901, and of which Maj. Daniel H. Brush, Twenty-fifth U. S. Infantry, was president, and Second Lieut. John R. Thomas, jr., Seventeenth U. S. Infantry, was judge-advocate, were arraigned and tried Matias Alipio and Mariano Caviles, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Matias Alipio and Mariano Caviles, natives, and each of them, during the month of December, 1899, a time then, as now, of insurrection against the Government of the United States, in or near the barrio of Bulaurey, of the pueblo of Mangatarem, Pangasinan, Luzon, P. I., a place then, as now, under the military jurisdiction of the United States, in company of and consorting with a band of ten (10), more or less, armed outlaws, under the command of the said Matias Alipio, did willfully, feloniously, and with malice aforethought kill and murder one Vicente de la Cruz, native, by then and there shooting said Vicente de la Cruz with a rifle held in the hands of said Mariano Caviles, inflicting upon the said Vicente de la Cruz a bodily wound, from the effects of which the said Vicente de la Cruz then and there died. This at the time and place above specified.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Matias Alipio and Mariano Caviles, natives, and each of them, “to be hanged by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case, it appears that these accused, Matias Alipio and Mariano Caviles, in company of an armed band of outlaws, at or near the barrio of Bulaurey, pueblo of Mangatarem, Pangasinan, in December, 1899, shot and killed one Vicente de la Cruz; that the accused, Matias Alipio, was the leader of the band, and that the accused, Mariano Caviles, by order of Alipio, actually did the killing.

The motive of the crime is not disclosed in the record, but the perpetration thereof by these accused is fully proven, and from this a motive must be presumed.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, is commuted, as to each of the accused, to imprisonment at hard labor for the term of fifteen (15) years. The Presidio de Manila is designated as the place of execution of the sentence as thus commuted, to which place the prisoners, Matias Alipio and Mariano Caviles, will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 29, 1901.

General Orders, No. 154.

Before a military commission which convened at the pueblo of Vigan, province of Ilocos Sur, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 78, headquarters Department of Northern Luzon, March 21, 1901, and of which Maj. George A.

Dodd, Fourteenth U. S. Cavalry, was president, and First Lieut. Edward Sigerfoos, Fifth U. S. Infantry, was judge-advocate, was arraigned and tried Novertó Pré, native.

CHARGE.—“Murder in violation of the laws and customs of war.”

Specification 1.—“In that Lieut. Col. Novertó Pré, of the insurgent army of the so-called Philippine government, did willfully and feloniously and with malice aforethought kill and murder Claudio Orpilla, a native, by stabbing him, the said Orpilla, with a sharp instrument held in the hand of the said Pré, inflicting a wound or wounds therewith whereof the said Orpilla did then and there die. This at or near the barrio of Banao of the pueblo of San Esteban, Ilocos Sur, Luzon, P. I., a place within the theater of military operations, on or about March 12, 1901, in time of insurrection.”

Specification 2.—“In that Lieut. Col. Novertó Pré, of the insurgent army of the so-called Philippine government, did willfully and feloniously and with malice aforethought kill and murder Jose Purganan, a native, by stabbing him, the said Purganan, with a sharp instrument held in the hand of the said Pré, inflicting a wound or wounds therewith whereof the said Jose Purganan did then and there die. This at or near the barrio of Apaya of the pueblo of San Esteban, Ilocos Sur, Luzon, P. I., a place within the theater of military operations, on or about December 2, 1900, in time of insurrection.”

Specification 3.—“In that Lieut. Col. Novertó Pré, of the insurgent army of the so-called Philippine government, did, in company with Melchor Cardenas, a native, willfully, feloniously, and with malice aforethought kill and murder Adolfo Purganan, a native, by stabbing him, the said Purganan, with a sharp instrument held in the hand of the said Pré, and beating him, the said Purganan, with a club held in the hands of the said Cardenas, inflicting wounds therewith whereof the said Adolfo Purganan did then and there die. This at or near the barrio of Apaya of the pueblo of San Esteban, Ilocos Sur, Luzon, P. I., a place within the theater of military operations, on or about December 2, 1900, in time of insurrection.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Novertó Pré, native, “to be hung by the neck until he, Novertó Pré, is dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that the accused, Novertó Pré, was a lieutenant-colonel of insurgents, and that he personally killed by stabbing in the neck with a poniard one Claudio Orpilla, because the victim did not desire to join the insurgents. It also appears that the accused wantonly murdered two other natives December 2, 1900, because they were suspected of being spies of the Americans. All three murders were wantonly committed by the accused in person.

The sentence approved by the department commander is confirmed, but, in accordance with his recommendation, is commuted to imprisonment at hard labor for the term of fifteen (15) years, and as thus commuted will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 2, 1901.

General Orders, No. 159.

Before a military commission which convened at Iloilo, Panay, P. I., pursuant to paragraph 10, Special Orders, No. 67, Headquarters Department of the Visayas, March 13, 1901, and of which Lieut. Col. Charles J. Crane, Thirty-eighth Infantry, U. S. Volunteers, was president, and Capt. William G. Fleischhauer, Thirty-eighth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Augustin Botobara, a native.

CHARGE.—“Murder.”

Specification.—In that on or about the 19th day of August, A. D. 1900, then as now a time of insurrection, at or near the barrio of Lacruz, pueblo of Barotoc Nuevo, island of Panay, P. I., a place then as now of the territory and under the military government of the United States, one Augustin Botobara, a native, consorting with divers other persons, names and numbers unknown, did feloniously and willfully, with malice aforethought, murder and kill one Espiridion Fuentes, a native, at the time sergeant of police of the said pueblo of Barotoc Nuevo, by then and there

striking and cutting the said Espiridion Fuentes with a sharp instrument, commonly called a bolo, held in the hands of the said Augustin Botobara, and his confederates, then and there in the manner aforesaid, inflicting wounds upon the head and body of the said Espiridion Fuentes and from the effects of which wounds, so inflicted as aforesaid, the said Espiridion Fuentes did then and there die."

"This on or about the 19th day of August, A. D. 1900."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Augustin Botobara, native, "to be hanged by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.

In the foregoing case of Augustin Botobara, native, it appears that the accused was one of a band of ununiformed men claiming to be insurgents, who lay in wait in a barrio of Barotoc for a police officer; that one of the band assailed this officer as he was entering the door of a house from the top of the steps leading thereto; that the blow felled deceased, his body falling to the ground when the accused dispatched him with a bolo and afterwards superintended the burial of his body. The crime is one of a long series of like deliberately planned assassinations of men friendly to the American Government and in policy or purpose is so wanton and cruel that clemency can not be exercised in cases of those participating therein.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the pueblo of Barotoc Nuevo, Panay, P. I., on the twenty-third (23d) day of August, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Assistant Adjutant-General, U. S. Army, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 2, 1901.

General Orders, No. 160.

Before a military commission which convened at Vigan, province of Ilocos Sur, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 78, Headquarters Department of Northern Luzon, March 21, 1901, and of which Maj. George A. Dodd, Fourteenth U. S. Cavalry, was president, and First Lieut. Edward Sigerfoos, Fifth U. S. Infantry, was judge-advocate, was arraigned and tried Emiterio Sonido, a native.

CHARGE.—"Murder."

Specification.—"In that Emiterio Sonido, native, cabo of the barrio of Turod, pueblo of Cabugao, Ilocos Sur, P. I., on or about the 23d day of December, 1900, then as now a time of insurrection, at or near the barrio of Turod, pueblo of Cabugao, Ilocos Sur, P. I., a place then as now in the theater of active military operations, in company of and consorting with other natives, names and numbers unknown, did willfully, feloniously, and with malice aforethought, kill and murder Liverato Arcebal, a native in the employ of the United States, by garroting him, the said Arcebal, native, whereof the said Arcebal, then and there died.

"This at the time and place above specified."

PLEA.—"Guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Emiterio Sonido, "to be hung by the neck until he, Sonido, is dead, in the plaza of Cabugao, at such time as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case the accused, Emiterio Sonido, is charged with killing one Liverato Arcebal, an employee of the United States Government, by garroting. To this charge the accused pleaded guilty. No evidence was offered by the prosecution, but the accused was sworn and testified he, with others, committed the crime under the coercion of a leader of ladrones and under penalty of death to themselves and their families in case of noncompliance with the order to kill. Nevertheless, accused and his companions failed to carry out the order until they were notified that the ladrone chief was about to send his soldiers to execute his threat.

By the failure of the commission to require the prosecution to produce evidence of the crime, they are bound by that of the accused, it being uncontradicted of record and not improbable on its face.

Though not constituting a defense to the crime, the coercion exercised precludes the idea of malice aforethought and lessens the degree of criminality.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the term of twenty (20) years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which this prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Assistant Adjutant-General, U. S. Army, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 2, 1901.

General Orders, No. 161.

Before a military commission which convened at Oroquieta, Mindanao, P. I., pursuant to paragraph 1, Special Orders, No. 23, Headquarters Department of Mindanao and Jolo, February 6, 1901, and of which Maj. Michael M. McNamee, Fortieth Infantry, U. S. Volunteers, was president, and First Lieut. Kenneth C. Mastellar, Fortieth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Pio Balugbug, a native.

CHARGE I.—“Being a member of and abetting in the work of an organized band of armed outlaws, contrary to the laws and usages of war.”

Specification.—“In that he, Pio Balugbug, native, did join and become a member of an organized band of armed outlaws, under the leadership of one Julio Roda, native, for the purpose of plunder, robbery, arson, murder, and assassination in and near the barrio of Macpan, pueblo of Jiminez, province of Misamis, island of Mindanao, P. I.”

“This at or near the place specified, a place then as now within the theater of military operations by United States troops, for the period of two weeks, more or less, in the first part of January, 1901, a time then as now of insurrection against the United States.”

CHARGE II.—“Murder.”

Specification.—“In that he, Pio Balugbug, native, did, in company of and consorting with armed outlaws to the number of three (3), more or less, wilfully, feloniously, and with malice aforethought, kill and murder Luciano Magdales, native, by stabbing him, the said Luciano Magdales, with knives or bolos held in the hands of the said Pio Balugbug and of the said armed outlaws, inflicting wounds therewith whereof the said Luciano Magdales then and there died.”

“This at or near the barrio of Macpan, pueblo of Jiminez, province of Misamis, island of Mindanao, P. I., a place then, as now, under the military government of the United States, on or about January 8, 1901, then, as now, a time of insurrection against the lawful authority of the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Pio Balugbug, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring.”

In the foregoing case it appears that the accused, Pio Balugbug, native, voluntarily joined a band of armed outlaws operating in the province of Misamis, Mindanao, and, on or about January 8, 1901, captured and murdered a native, Luciano Magdales, accused of being a spy for the Americans, and, in conjunction with another outlaw, stabbed him to death with daggers. The crime is fully proven and not denied by the accused, who, however, seeks to justify it on the plea that he was acting under orders of a superior. That superior denies that he gave orders for the death of the victim, but if he had it would constitute no defense in law. Men being banded together for the commission of crime are all principals in the execution thereof.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Jiminez, island of Mindanao, P. I., on the 16th day of August, A. D. 1901, under the direction of the commanding general, Department of Mindanao and Jolo.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Assistant Adjutant-General, U. S. Army, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 2, 1901.

General Orders, No. 162.

Before a military commission which convened at Laoag, Province of Ilocos Norte, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 98, Headquarters Department of Northern Luzon, April 10, 1901, and of which Maj. Alfred Reynolds, Twentieth U. S. Infantry, was president, and First Lieut. George H. Estes, Twentieth U. S. Infantry, was judge-advocate, was arraigned and tried, Eusabio Rabanal, a native.

CHARGE—"Murder."

Specification.—"In that Eusabio Rabanal, native, did on some day in February, 1900, a time then as now of insurrection, at or near Batac, Ilocos Norte, P. I., a place then as now under military authority of the United States, in company of and consorting with a band of outlaws, wilfully, feloniously, and with malice aforethought, kill and murder Guillermo Crisostomo, by inflicting wounds with a dagger held in the hands of said band, by reason of which wounds Crisostomo then and there died. This at the time and place above specified."

PLEA—"Not guilty."

FINDING.—Of the specification, "Guilty, except the words, 'a band of armed outlaws,' substituting therefor 'others,' and excepting the words 'held in the hands of said band,' substituting therefor 'held in the hands of another,' and excepting the words 'kill and murder,' substituting therefor 'procure and cause the killing and murdering of,' the excepted words 'not guilty,' and of the substituted words 'guilty.'" Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Eusabio Rabanal, native, "to be hung by the neck until he is dead, at such time and place as the proper authority may direct, two-thirds of the members concurring therein."

In the foregoing case it appears that the accused, Eusabio Rabanal, was the leader of a band of outlaws; that he caused to be seized and bound one Guillermo Crisostomo, suspected of being an American sympathizer at Batac, Ilocos Norte, in February, 1900, and handing his dagger to a member of his band directed him to kill Crisostomo, under penalty of death in case of refusal.

The killing was accordingly consummated in the presence of accused and under his direction.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Pueblo of Batac, Ilocos Norte, Luzon, P. I., on the ninth (9th) day of August, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Assistant Adjutant-General, U. S. Army, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 10, 1901.

General Orders, No. 167.

Before a military commission which convened at Concepcion, province of Tarlac, Luzon, P. I., pursuant to paragraph 7, special orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Capt. Robert K. Evans, Twelfth U. S. Infantry, was president, and First Lieut. Earle Edmundson, Thirty-third Infantry, U. S. Vols., was judge-advocate, were arraigned and tried:

Florentino Canlas, Gregorio Castro, Saturnino Serrano, Magno Gervacio, and Louis Canlas, natives.

CHARGE I.—"Assault and battery with intent to do bodily harm."

Specification.—"That Florentino Canlas, Gregorio Castro, Saturnino Serrano, Magno Gervacio and Louis Canlas, in company of and consorting with one Eugenio Canlas, did, in time of insurrection go to Potenciano Basco's house in the barrio of Balutu, Pueblo of Concepcion, province of Tarlac, P. I., a place then as now in the theatre of military operations, and did feloniously and forcibly and against their wills, conduct therefrom, with intent to do bodily harm, Potenciano Basco, and Leoncio Alvarez, natives, lawfully residing in said barrio of Balutu. This at the place above specified, about 10 o'clock p. m., December 29, 1900."

CHARGE II.—"Murder."

Specification.—"That Florentino Canlas, Gregorio Castro, Saturnino Serrano, Magno Gervacio, and Louis Canlas, in company of and consorting with one Eugenio Canlas, did wilfully, feloniously, and with malice aforethought, murder and kill Potenciano Basco, by striking him, the said Potenciano Basco, with bolos, held in

the hands of the said Eugenio Canlas, and of the said Florentino Canlas, Gregorio Castro, Saturnino Serrano, Magno Gervacio, and Louis Canlas, inflicting wounds therewith, whereof he, the said Potenciano Basco, then and there died. This in time of insurrection at about 10 o'clock p. m., December 29, 1900, at or near the barrio of Balutu, Pueblo of Concepcion, Tarlac, P. I., a place then as now in the theatre of military operations."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Florentino Canlas, Gregorio Castro, Saturnino Serrano, Magno Gervacio, and Louis Canlas, natives, and each of them "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of thirty (30) years."

In the foregoing case it appears that the accused, Florentino Canlas, Gregorio Castro, Saturnino Serrano, Magno Gervacio, and Louis Canlas, in company of and consorting with one Eugenio Canlas, sequestered from their houses at the pueblo of Concepcion, Tarlac, two natives, Potenciano Basco and Leoncio Alvarez, conveyed them to an isolated spot where Potenciano Basco was killed with a bolo by Eugenio Canlas.

The records show that these accused assisted in the capture of the victims and conveying them to or near the site where one was killed; although some doubt arises as to whether they were aware prior to the killing that such was the purpose of their leader, Eugenio Canlas.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, is commuted as to each of these accused, to imprisonment at hard labor for the term of fifteen (15) years. The Presidio de Manila is designated as the place for the execution of the sentence, to which place these prisoners will be sent under proper guard.

By command of Major-General Chaffee:

THOMAS H. BARRY,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 10, 1901.

General Orders, No. 168.

Before a military commission which convened at Guinan, island of Samar, P. I., pursuant to paragraph 2, special orders, No. 110, Headquarters Department of Southern Luzon, April 20, 1901, and of which First Lieut. James N. Pickering, First U. S. Infantry, was president and First Lieut. Edward E. Downes, First U. S. Infantry, was judge-advocate, was arraigned and tried Torneno Abode, native.

CHARGE.—"Murder."

Specification.—"That on the 4th day of March, 1901, then, as now, a time of insurrection, at the sitio of Anoron, in the province of Samar, on the island of Samar, of the Philippine Islands, a place then, as now, under the military occupation and government of the United States, one Torneno Abode, a Filipino and a resident of said province of Samar, sitio of Banajoa, did feloniously, willfully, and with malice aforethought murder and kill one Graciano Macabela, a Filipino and a resident of the sitio of Alengarog, by then and there cutting and stabbing the said Graciano Macabela with a knife held in the hands of said Torneno Abode, then and there inflicting upon the said Graciano Macabela wounds, by reason of which said wounds the said Graciano Macabela died on the 6th day of March, 1901, at the pueblo of Mercedes, province of Samar, island of Samar, Philippine Islands."

PLEA.—"Guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Torneno Abode, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case the accused, Torneno Abode, pleaded guilty to the charge of murder, and evidence was received substantiating such plea. It appears that the accused, while drunk, attacked and killed with a knife one Graciano Macabela at the sitio of Anoron, Samar, actuated by resentment at a blow with a cane inflicted by deceased upon accused some months previous.

Though drunkenness, per se, is no excuse for a crime, it may be relevant in fixing the degree of guilt and as effecting the question of malice aforethought, premeditation, or the capacity of the accused to distinguish between right and wrong.

The sentence, approved by the department commander, is confirmed, but, in

accordance with his recommendation, is commuted to imprisonment at hard labor for the term of fifteen (15) years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

THOMAS H. BARRY,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 10, 1901.

General Orders, No. 169.

Before a military commission which convened at Oroquieta, island of Mindanao, P. I., pursuant to paragraph 1, Special Orders, No. 23, Headquarters Department of Mindanao and Jolo, February 6, 1901, and of which Maj. Michael M. McNamee, Fortieth Infantry, U. S. Volunteers, was president, and First Lieut. Kenneth C. Masteller, Fortieth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried, Julio Roda, native.

CHARGE I.—“Organizing and leading a band of armed outlaws, contrary to the laws and usages of war.”

Specification.—“In that he, Julio Roda, did organize and style himself leader of a band of armed outlaws, and did enlist, for the purpose of plunder, robbery, arson, murder, and assassination, certain natives, to the number of fourteen (14), more or less, in and near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I.” “This at or near the place specified, a place then as now within the theater of active military operations by United States troops, for the period of two weeks, more or less, in the first part of January, 1901, a time then as now of insurrection against the United States.”

CHARGE II.—“Arson.”

Specification.—“In that he, Julio Roda, a native, in company of and consorting with an armed band of natives, to the number of fourteen (14), more or less, of which said band the said Julio Roda was the leader and in command, did willfully, maliciously, and feloniously set fire to and burn the dwelling house of one Janaro Osamis, or in person causing said dwelling house to be set on fire and burned by member or members of said band, of which he was leader.”

“This at or near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I., a place then as now under the military government of the United States, on or about January 16, 1901, then as now a time of insurrection against the lawful authority of the United States.”

CHARGE III.—“Larceny.”

Specification 1.—“In that he, Julio Roda, a native, in company of and consorting with an armed band of natives, to the number of fourteen (14), more or less, of which said band the said Julio Roda was the leader and in command, did willfully, maliciously, and feloniously take, steal, and carry away two beef cattle, or did in person cause said beef cattle to be stolen and carried away, by member or members of said band, of which he was leader, value unknown, this property or person or persons unknown. This at or near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I., a place then as now under the military government of the United States, on or about January 10, 1901, then as now a time of insurrection against the lawful authority of the United States.

Specification 2.—“In that he, Julio Roda, a native, in company of and consorting with an armed band of natives, to the number of fourteen (14), more or less, of which said band the said Julio Roda was the leader and in command, did willfully, maliciously, and feloniously take, steal, and carry away, or did in person cause to be stolen and carried away, by member or members of said band, of which he was the leader, one (1) hog, value unknown, the property of the estate of the native Eugenio Sarmiento, deceased. This at or near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I., a place then as now under the military government of the United States, on or about January 12, 1901, then as now a time of insurrection against the lawful authority of the United States.”

CHARGE IV.—“Murder.”

Specification 1.—“In that he, Julio Roda, a native and leader of an armed band of native outlaws, did willfully, feloniously, and with malice aforethought kill and murder a native Filipino, name unknown, by stabbing him, the unknown native Filipino, with knives or bolos held in the hands of the said Julio Roda, and members of said band, inflicting wounds therewith whereof the said native Filipino then and there

died, or in person causing the said native to be killed by a member or members of the said band of which he was the leader. This at or near the barrio Panaon, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I., a place then as now under the military government of the United States, on or about January 5, 1901, then as now a time of insurrection against the lawful authority of the United States."

Specification 2.—"In that he, Julio Roda, a native and leader of an armed band of native outlaws, did willfully, feloniously, and with malice aforethought kill and murder Luciano Magdales, native, by stabbing him, Luciano Magdales, with knives or bolos held in the hands of the said Julio Roda and members of said band, inflicting wounds therewith whereof the said Luciano Magdales then and there died, or in person causing the said Luciano Magdales to be killed by a member or members of the said band of which he was the leader. This at or near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I., a place then, as now, under military government of the United States, on or about January 8, 1901, then, as now, a time of insurrection against the lawful authority of the United States."

Specification 3.—"In that he, Julio Roda, a native and leader of an armed band of natives, did willfully, feloniously, and with malice aforethought kill and murder Eugenio Sarmiento, native, by stabbing him, the said Eugenio Sarmiento, with knives or bolos held in the hands of the said Julio Roda and members of said band, inflicting wounds therewith whereof the said Eugenio Sarmiento then and there died, or in person causing the said Eugenio Sarmiento to be killed by a member or members of the said band of which he was leader. This at or near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I., a place then, as now, under the military government of the United States, on or about January 12, 1901, then, as now, a time of insurrection against the lawful authority of the United States."

PLEA.—"Not guilty."

FINDING.—Of the specification, first charge, "guilty;" of the first charge, "guilty;" of the specification, second charge, "not guilty;" of the second charge, "not guilty;" of the first specification, third charge, "guilty;" of the second specification, third charge, "guilty;" of the third charge, "guilty;" of the first specification, fourth charge, "guilty;" of the second specification, fourth charge, "guilty;" of the third specification, fourth charge, "guilty;" of the fourth charge, "guilty."

SENTENCE.—And the commission does, therefore, sentence him, Julio Roda, native, "To be hanged by the neck, until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring."

In the foregoing case it appears that this accused, Julio Roda, organized a band of armed outlaws for the purpose of robbery and assassination in and about the vicinity of Jimenez, Misamis, Mindanao, and that in addition to stealing cattle and hogs, three brutal murders were committed by members of the band, under direct orders of accused and under his threat to personally shoot all who disobeyed. In proof of the execution of his orders his followers usually exhibited to him their bloody bolos. The victims were thus killed because of being suspected of friendship to the Americans.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Jimenez, island of Mindanao, P. I., on the sixteenth day of August, A. D. 1901, under the direction of the commanding general, department of Mindanao and Jolo.

II.—Graciano Cael, native.

CHARGE I.—"Being a member of and abetting in the work of an organized band of armed outlaws contrary to the laws and usages of war."

Specification.—"In that he, Graciano Cael, native, did join and become a member of an organized band of armed outlaws under the leadership of one Julio Roda, native, for the purpose of plunder, robbery, arson, murder, and assassination, in and near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I. This at or near the place specified, a place, then as now, within the theater of military operations by the United States troops, for the period of two weeks, more or less, in the first part of January, 1901, a time, then as now, of insurrection against the United States."

CHARGE II.—"Larceny."

Specification.—"In that he, Graciano Cael, native, did, in company of and consorting with armed outlaws, to the number of four, more or less, willfully and feloniously take, steal, and carry away two beef cattle, value unknown, property of party or parties unknown. This at or near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I., a place, then as now, under the military government of the United States, on or about January 10, 1901, then as now, a time of insurrection against the lawful authority of the United States."

CHARGE III.—“Murder.”

Specification.—“In that he, Graciano Cael, native, did, in company of and consorting with armed outlaws to the number of three, more or less, willfully, feloniously, and with malice aforethought kill and murder Luciano Magdales, native, by stabbing him, the said Luciano Magdales, with knives or bolos held in the hands of the said Graciano Cael and of the said armed outlaws, inflicting wounds therewith whereof the said Luciano Magdales then and there died. This at or near the barrio of Macpan, pueblo of Jimenez, province of Misamis, island of Mindanao, P. I., a place, then as now, under the military government of the United States, on or about January 8, 1901, then as now, a time of insurrection against the lawful authority of the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Graciano Cael, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring.”

In the foregoing case it appears that the accused, Graciano Cael, voluntarily joined a band of armed outlaws operating in the vicinity of Jimenez, Mindanao, stole two beef cattle from one Miguel Adorable, and in company of members of such band captured and stabbed to death one Luciano Magdales, on the pretext that he was a spy of the American Government.

No reasonable doubt as to his guilt arises from the record, and he admits the facts material to establishing the crime.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Jimenez, island of Mindanao, P. I., on the 16th day of August, A. D. 1901, under the direction of the commanding general, department of Mindanao and Jolo.

By command of Major-General Chaffee:

THOMAS H. BARRY,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 13, 1901.

General Orders, No. 170.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 13, Special Orders, No. 101, Headquarters Department of Southern Luzon, April 11, 1901, and of which Maj. George G. Greenough, Artillery Corps, U. S. Army, was president, and Capt. Palmer E. Pierce, Eighth U. S. Infantry, was judge-advocate, was arraigned and tried Claudio Marco, a native.

CHARGE I.—“Murder.”

Specification.—“In that Claudio Marco, native, did willfully, feloniously, and with malice aforethought murder and kill one Hilario Trimilios, native, by stabbing him with a knife held in the hands of the said Claudio Marco, thereby inflicting upon the person of the said Hilario Trimilios wounds whereof he, the said Trimilios, then and there died. This in time of insurrection, on board the sailing boat San Jose, in the bay of Batangas, near the town of Batangas, Batangas Province, P. I., a place under the military government of the United States, on or about the 19th day of November, 1900.”

CHARGE II.—“Assault with intent to kill.”

Specification.—“In that Claudio Marco, native, did willfully, feloniously, and with malice aforethought assault one Florentino Trimilios, native, by stabbing him with a knife held in the hands of the said Claudio Marco, with intent then and there to kill and murder him, the said Florentino Trimilios. This in time of insurrection, on board the sailing boat San Jose, in the bay of Batangas, near the town of Batangas, Batangas Province, P. I., a place under the military government of the United States, on or about the 19th day of November, 1900.”

PLEA.—To the specification, first charge, “guilty, except the words, ‘willfully, feloniously, and with malice aforethought murder,’ and ‘on board the sailing boat San Jose, in the bay of Batangas, Batangas Province, P. I.,’ substituting for the latter words, the words, ‘at the town of Maricaban, island of Maricaban, P. I.,’ and of the excepted words not guilty and of the substituted words, guilty.” To the first charge, “not guilty, but guilty of manslaughter.” To the specification, second charge, “guilty, except the words, ‘willfully, feloniously, and with malice aforethought,’ and ‘with intent then and there to kill and murder him, the said Florentino Trimilios,’ and ‘on board the sailing boat San Jose, in the bay of Batangas

Batangas Province, P. I.,' substituting for the latter words, the words, 'at the town of Maricaban, island of Maricaban, P. I., of the excepted words not guilty and of the substituted words guilty.' To the second charge, "not guilty, but guilty of assault and battery."

FINDING.—Of the specification, first charge, "guilty, except the words, 'on board the sailing boat San Jose, in the bay of Batangas, near the town of Batangas, Batangas Province, P. I.,' substituting therefor the words, 'at the town of Maricaban, island of Maricaban, P. I., of the excepted words not guilty and of the substituted words guilty.'" Of the first charge, "guilty." Of the specification, second charge, "guilty, except the words, 'on board the sailing boat San Jose, in the bay of Batangas, near the town of Batangas, Batangas Province, P. I.,' substituting therefor the words, 'at the town of Maricaban, island of Maricaban, P. I., of the excepted words not guilty, and of the substituted words guilty.'" Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Claudio Marco, native, "to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case it appears that the accused, Claudio Marco, when interrupted in an attempt to steal part of a cargo of sugar from the sailing boat San Jose, on the shores of Batangas Bay, assaulted with a knife and killed Hilario Trimilios, quartermaster of the boat and custodian of the property attempted to be stolen. Accused grievously wounded Florentino Trimilios, who came to the assistance of his brother, so that his intestines protruded from the wound inflicted.

The case presents no mitigating circumstances.

The sentence, approved by the department commander, is confirmed and will be duly executed at the city of Manila, Luzon, P. I., on the 9th day of August, A. D. 1901, under the direction of the provost-marshal-general.

By command of Major-General Chaffee:

THOMAS H. BARRY,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 19, 1901.

General Orders, No. 174.

Before a military commission which convened at Iloilo, island of Panay, P. I., pursuant to paragraph 3, Special Orders, No. 70, Headquarters Department of the Visayas, March 16, 1901, and of which Lieut. Col. Charles J. Crane, Thirty-eighth Infantry, U. S. Volunteers, was president, and Capt. Edwin F. Glenn, Twenty-fifth U. S. Infantry, was judge-advocate, was arraigned and tried Juan Bautista Confesor, native.

CHARGE I.—"Aiding and abetting the enemy." Specification.—"In that on or about the 20th day of August, A. D. 1900, and at divers times and days since that date, then as now a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then as now a part of the territory and under the military government of the United States, one Juan Bautista Confesor, a native and principale of the said pueblo of Cabatuan, did, while still holding the aforesaid office, knowingly and willingly become an active member of an organization known as the 'Katipunan,' the object of which said society is and was to aid, assist, and support the insurgent forces then and there being in rebellion against the lawfully constituted authority of the United States, by then and there contributing and collecting money, food, clothing, and tobacco for the said insurgent forces."

CHARGE II.—"Violation of the laws of war." Specification.—"In that on or about the 3d day of December, A. D. 1900, then as now a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then as now a part of the territory and under the military government of the United States, one Juan Bautista Confesor, a native and principale of the said pueblo of Cabatuan, having freely and voluntarily taken and subscribed to an oath of allegiance to the United States, in words and figures substantially as follows, to wit—

"Juramento de fidelidad.

"Ciudad de Kabatuan, Isla de Panay."

"Yo, Juan Bautista Confesor, por la presente, renuncio á toda sumisión á cualquiera de y á todas los titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en

ellas establecida; y juro solamente guardar verdadera fé y lealtad hácia aquel Gobierno; que en todo tiempo mi conducto sera la de un ciudadano fiel y pacífico de dichas islas y no mantendré relaciones directa ni indirectamente con, ni falicitara noticias á, ninguna enemiga de los Estados Unidos, ni prestaré apoyo ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales ne ningun género ni propósito de evadirla, y así Dios me ayuda.

“JUAN BAUTISTA CONFESOR.

“Firmado y jurado ante mí, hoy, dia 3 de Diciembre, 1900.

“HOMER B. GRANT,

“*Second Lt. 26th Inftry., U. S. Vols.*

did thereafter, to wit, on or about the 14th day of December, A. D. 1900, violate said oath of allegiance by then and there and in company with other members of the society known as the ‘Katipunan’ conspiring with the insurgent forces then and there being in open rebellion against the lawfully constituted authority of the United States, to burn the aforesaid pueblo of Cabatuan, and to then and there surround and massacre the American forces then and there being stationed in the said pueblo of Cabatuan, and did then and there burn and cause to be burned the said pueblo of Cabatuan by the members of the police force of the said pueblo of Cabatuan.”

CHARGE III.—“Being a war rebel.” Specification: “In that on or about the 3d day of December, A. D. 1900, then as now a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then as now a part of the territory and under the military government of the United States, one Juan Bautista Confesor, a native, and principale of the said pueblo of Cabatuan, having freely and voluntarily taken and subscribed to an oath of allegiance to the United States, in words and figures substantially as follows, to wit:

“*Juramento de fidelidad.*

“Ciudad de Kabatuan, Isla de Panay.

“Yo, Juan Bautista Confesor, por la presente, renuncio, á toda sumisión á cualquiera de y á todas los titulados gobiernos revolucionarios en las islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fé y lealtad hácia aquel gobierno; que en todo tiempo mi conducto esar la de un Ciudadano fiel y pacífico de dichas islas y no mantendré relaciones directa ni indirectamente con, ni falicitara noticias á, ninguna enemiga de los Estados Unidos, ni prestaré apoyo ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mantales de ningún género ni propósito de evadirla, y así Dios me ayuda.

“JUAN BAUTISTA CONFESOR.

“Firmado y jurado ante mi, hoy, dia 3 de diciembre, 1900.

“HOMER B. GRANT,

“*Second Lieutenant, Twenty-sixth Infantry, U. S. Vols.*”

“did thereafter, to wit, on or about the 14th day of December, A. D. 1900, while still a principale and resident of the said pueblo of Cabatuan, then as now occupied by the military forces of the United States, conspire with certain other members of the society known as the ‘Katipunan,’ and officials of the said pueblo of Cabatuan, and with certain persons in open insurrection against the United States, to raise up in arms against said authority of the United States, and to then and there, and in conjunction with the police force of the said pueblo of Cabatuan and the said forces in insurrection against the United States, surround and capture the garrison of American soldiers then and there stationed.”

CHARGE IV.—“Arson.” Specification: “In that on or about the 14th day of December, A. D. 1900, then as now a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then as now a part of the territory and under the military government of the United States, one Juan Bautista Confesor, then and there occupying the position of principale of the said pueblo of Cabatuan, did willfully, feloniously, and maliciously order, direct, and cause to be burned, in the nighttime, 100 dwelling houses, more or less, in the said pueblo of Cabatuan, island of Panay, P. I.”

CHARGE V.—“Perjury.” Specification: “In that on or about the 26th day of February, 1901, then as now a time of insurrection against the lawfully constituted authority of the United States, at or near the pueblo of Iloilo, island of Panay, P. I., a place then as now under the military occupation and government of the United States, one Juan Bautista Confesor, a native, having duly appeared as a witness for

the prosecution before a military commission convened per paragraph 2, Special Orders, No. 2, Headquarters Department of the Visayas, Iloilo, Panay, P. I., January 3, 1901, in the case of the United States versus Julian Confesor, a native, and having been duly sworn as such to tell the truth, the whole truth, and nothing but the truth, did willfully, falsely, and corruptly testify as follows, to wit:

Q. 'Were you in the house of Augustin Jiloca that afternoon (December 4, 1900)?'

A. 'No, sir.'

Q. 'Do I understand you to swear that you were not in the office that afternoon?'

A. 'Yes, sir; I swear it.'

Q. 'Do you know anything about any Katipunan society being formed in the pueblo of Cabatuan at any time from June to December of last year?'

A. 'I only saw in the month of November a communication from Protacio Mondejar making Florentino Lucin presidente of the Katipunan.'

Q. 'Did you ever meet with that Katipunan society yourself?'

A. 'No, sir; only when they called us as owners of the church fund called the Correa; we met at Jiloca's house.'

* * * * *

Q. 'Do you know whether or not a Katipunan society was regularly organized in the pueblo of Cabatuan?'

A. 'No, sir.'

Q. 'Do you know that such a society was not organized there, composed of the principales of the pueblo of Cabatuan last year?'

A. 'No, sir.'

Q. 'Do you swear that no such society was organized?'

A. 'Yes, sir; I swear it.'

Q. 'You can swear that no such meeting was held on the evening of the fire?'

A. 'Yes, sir; I swear it?'

Q. 'You swear that there was not a meeting of the Katipunan in Augustin Jiloca's office the evening of the fourteenth of December, last?'

A. 'I was not there and did not hear anything about it.'

* * * * *

Q. 'Do you state under oath before this commission that there was no Katipunan society in Cabatuan last year, during any month? Do you swear that?'

A. 'Yes, sir; there was not.'

Q. 'How do you reconcile these two statements? You swear that Lucin was president of the society, and then you say that there was no society?'

A. 'I gave him the name of presidente of the Katipunan, copying the title that Mondejar gave to Florentino Lucin.'

Q. 'Do you state here under oath that you were not present last year at the meeting of the society of which Florentino Lucin was presidente?'

A. 'Yes, sir; I swear that I did not meet any society of which he was presidente; I only said that I was there as owner.'

Q. 'Do you state under oath that you were not present last year at the meeting of the society of which Florentino Lucin was presidente?'

A. 'No, sir.'

Q. 'You swear that you were not?'

A. 'No, sir; I do not.'

Q. 'Did you ever hear of a Katipunan society being formed out there in Cabatuan?'

A. 'No, sir.'

which said testimony was false, in that he, the said Juan Bautista Confesor did state that he was not present at the house of Augustin Jiloca, December fourteenth, 1900; in that the said Juan Bautista Confesor stated that he had never met with a society known as the Katipunan; in that he stated that he knew of no such society as the Katipunan and that no such society was organized in the pueblo of Cabatuan; in that he stated that there was no meeting in Augustin Jiloca's house the afternoon of December fourteenth, 1900; in that he stated that there was no society of Katipunan in Cabatuan during the year of 1900; in that he stated that he was not present during the year of 1900 at a meeting of a society of which Florentino Lucin was president, and which said testimony was known by him, the said Juan Bautista Confesor, to be false, that it was material to the issues then and there being tried, and was given with the intent to deceive the said military commission."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Juan Bautista Confesor, "To be confined at hard labor at such place as the reviewing authority may designate for the period of twenty (20) years."

In the foregoing case, it appears that this accused, Juan Bautista Confesor, while

acting as a principale of the pueblo of Cabatuan, Panay, P. I., under the occupation of the United States troops and government, aided and abetted the enemy by contributing to the insurgent soldiers food, money, clothing, and tobacco. It also appears this accused voluntarily took the oath of allegiance to the United States Government and thereafter violated the same by conspiring with the insurgent leaders and co-officials of Cabatuan to burn the town of Cabatuan and surround and attack the United States troops there garrisoned; that he encouraged the police force of such town to aid the insurgents in these acts, which resulted in burning nearly one hundred houses of the town. Furthermore, this accused is shown to have committed deliberate and wilful perjury before a military commission during the trial of one of his Katipunan coconspirators, even after being warned as to the criminal consequence of such perjury.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presido de Manila, to which place the accused, Juan Bautista Confesor, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 19, 1901.

General Orders, No. 175.

Before a military commission which convened at Gerona, province of Tarlac, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Capt. Robert K. Evans, Twelfth U. S. Infantry, was president and First Lieut. Earle Edmundson, Thirty-third Infantry, U. S. Vols., was judge-advocate, were arraigned and tried Juan Aganon, Mariano Valdos, and Herman Garcia, natives.

CHARGE.—“Murder.” Specification.—“In that Juan Aganon, Mariano Valdos, and Herman Garcia, natives, and each of them, near the barrio of Buenavista, pueblo of Pura, province of Tarlac, Luzon, in territory then as now occupied by U. S. troops, and at a time then as now of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder a native Macabebe, a member of the municipal police force of the pueblo of Pura, named Micardio, by cutting the said Micardio with a knife held in the hands of the said Mariano Valdos, inflicting wounds therewith whereof the said Micardio then and there died. This at the place above specified, on or about October 17, 1900.”

PLEAS.—“Guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Juan Aganon and Mariano Valdos, natives, and each of them, “to be hanged by the neck until dead, at such place as the reviewing authority may designate, two-thirds of the commission concurring therein.”

And the commission does therefore sentence him, Herman Garcia, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of thirty years.”

In the foregoing case it appears these accused, Juan Aganon, Mariano Valdos, and Herman Garcia, caused two Macabebe policemen to be captured and brought before them to answer to a charge of being American spies. Aganon ordered one, Micardio, to be put to death, and accused, Valdos, killed him by striking him on the head with a bolo and then and there buried him. Accused Garcia was present at the killing and did not report the crime to the authorities.

The sentence, approved by the department commander, is confirmed, and as against Mariano Valdos will be duly executed at Gerona, province of Tarlac, Luzon, P. I., on the 16th day of August, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

The accused Juan Aganon is already under sentence of death for another crime.

The place of execution of the sentence of Herman Garcia is designated as the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 19, 1901.

General Orders, No. 176.

Before a military commission which convened at the pueblo of Tarlac, province of Tarlac, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Capt. Robert K. Evans, Twelfth U. S. Infantry, was president and First Lieut. Earle Edmundson, Thirty-third Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Apolonio Almera, native.

CHARGE I.—“Kidnapping.” Specification.—In that he, Apolonio Almera, a native and a resident of province of Tarlac, island of Luzon, P. I., in or about the month of April, 1900, a time, then as now, of insurrection, at Murcia, province of Tarlac, island of Luzon, P. I., a place, then as now, under the military authority of the United States, in company of and consorting with a band of armed outlaws, to wit, Mariano Taroc, Leoncio de la Cruz, Faustino Galang, did, feloniously and forcibly, bodily seize and carry away from his home, and against his will, one Estanislan Calma, a native. This in the barrio of San Carlos, pueblo of Murcia, province of Tarlac, island of Luzon, P. I.

CHARGE II.—“Murder.” Specification.—In that Apolinio Almera, a native and a resident of province of Tarlac, island of Luzon, P. I., in or about the month of April, 1900, in time of insurrection, then and there being, and within the territory occupied by the military forces of the United States, in company of and consorting with a band of armed outlaws, to wit, Mariano Taroc, Leoncio de la Cruz, Faustino Galang, did forcibly seize and carry away Estanislan Calma, a native, and did willfully, feloniously, and with malice aforethought kill and murder the said Calma, by striking him in the head with a rifle held in the hands of members of said band, names unknown, inflicting wounds upon the said Calma from which he then and there died. This in the barrio of San Miguel, pueblo of Murcia, province of Tarlac, island of Luzon, P. I.

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Apolonio Almera, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case it appears that this accused, Apolonio Almera, with three armed companions, went to the house of Estanislan Calma, at Murcia, Tarlac, in the month of April, 1900, forcibly seized and bound him and conveyed him to the woods, where accused killed him with a blow on the head with the butt of his rifle. The motive was an alleged promise to pay accused 15 pesos, made by a woman, for the perpetration of the deed.

Any person who murders for hire forfeits all right to clemency.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the pueblo of Gerona, province of Tarlac, Luzon, P. I., on the 16th day of August, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 19, 1901.

General Orders, No. 177.

Before a military commission which convened at Sorsogon, province of Sorsogon, Luzon, P. I., pursuant to paragraph I, Special Orders, No. 203, November 4, 1900, Headquarters Department of Southern Luzon, and of which Maj. Keller Anderson, Forty-seventh Infantry, U. S. Vols., was president, and Capt. John G. Livingston, Forty-seventh Infantry, U. S. Vols., was judge-advocate, was arraigned and tried Abdon Dumpay and Julian Dones, natives.

CHARGE.—“Murder.” Specification.—“In that they, Abdon Dumpay and Julian Dones, natives, and each of them, on or about January 27, 1901, at a time, then, as now, of insurrection, at or near the barrio of Vinlayan, province of Sorsogon, P. I., in company with native Eusebio Edma, did willfully, feloniously, and with malice aforethought kill and murder Go Diogno, a chino, by stabbing the said Go Diogno with a dagger and cutting him with a bolo, held in the hands of the said Abdon Dumpay and Julian Dones, and their companion, inflicting wounds therewith

whereof the said Go Diogno, a chino, then and there died. This at the time and place above specified."

PLEA.—"Guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Abdon Dumpay and Julian Dones, natives, and each of them, "to be hanged by the neck until dead, two-thirds of the commission concurring therein, at such time and place as the reviewing authority may direct."

In the foregoing case it appears that these accused, Abdon Dumpay and Julian Dones, about January 27, 1901, at the barrio of Vinlayon, province of Sorsogon, in the nighttime, entered the house of a Chinaman, Go Diogno, accused him of being an Americanista, struck and stabbed him to death with a bolo and dagger, and, carrying out the body, cast it into a carabao wallow.

No denial of the killing, as alleged, is attempted by these accused, who rest their claim for mitigation on the general statement that they were acting under orders of another. In this instance the person these accused claim they obeyed was not present, and hence they were at liberty to disobey the order of the assassin who gave it. All who order and all who execute deeds of murder and assassination are principals in law and are alike subject to its penalties.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Sorsogon, province of Sorsogon, Luzon, P. I., on the 23d day of August, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 19, 1901.

General Orders. No. 178.

Before a military commission, which convened at San Fernando, province of Pampanga, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 230, Headquarters Department of Northern Luzon, December 19, 1900, and of which Maj. Frank H. Titus, surgeon, U. S. Volunteers, was president, and Capt. William R. Sample, adjutant, Third U. S. Infantry, was judge-advocate, was arraigned and tried, Tedorico Cuyanán, native.

CHARGE I.—"Kidnaping."

Specification.—"In that Tedorico Cuyanán, a native, accompanied by and consorting with Enrique Aguas, Camilo Aguas and others, number and names unknown, being armed with deadly weapons, to wit, rifles, revolvers, and bolos, on or about the 14th day of October, 1900, a time then as now of insurrection against the authority of the United States, at the barrio of San Juan, pueblo of Mexico, province of Pampanga, P. I., a place then as now within the limits of the territory occupied by the troops of the United States, did enter a house in the aforesaid barrio of San Juan and forcibly and feloniously take from said house and against their will two natives, to wit, Jacinto Salunga and Pedro Salunga, there peaceably residing. This at the time and place above specified."

CHARGE II.—"Murder."

Specification.—"In that Tedorico Cuyanán, a native, accompanied by and consorting with Enrique Aguas, Camilo Aguas and others, number and names unknown, being armed with deadly weapons, to wit, rifles, revolvers, and bolos, on or about the 14th day of October, 1900, at a time then as now of insurrection against the authority of the United States, at the barrio of San Juan, province of Pampanga, P. I., a place then as now within the limits of the territory occupied by the troops of the United States, did willfully, feloniously, and with malice aforethought kill and murder two natives, to wit, Jacinto Salunga and Pedro Salunga by burying alive the aforesaid Jacinto Salunga and Pedro Salunga, and each of them, and covering their bodies with earth in such a manner as did then and there cause their death. This at the time and place above specified."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Tedorico Cuyanán, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that the accused, Tedorico Cuyanán, was one of a band of armed insurgents which on October 14, 1900, forcibly entered the house of Jacinto Salunga and Pedro Salunga, at San Juan, Mexico, Pampanga, bound them and buried them alive in an isolated spot in the vicinity, the alleged motive being that the victims were spies for the Americans.

The hearsay evidence given by Dr. Marion, over the objection of counsel for the accused, was palpably incompetent, and it is to be regretted that any commission should permit a record to be clouded with such self-evident and elementary error.

Fortunately for the ends of justice, the crime is proven against this accused independently of that evidence, which must be totally disregarded, excepting as to the two competent facts of the finding of the bodies of these deceased and the admission of the accused that he was present at their burial.

The sentence, approved by the Department commander, is confirmed and will be duly executed at San Fernando, province of Pampanga, Luzon, P. I., on the sixteenth (16th) day of August, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 20, 1901.

General Orders, No. 180.

Before a military commission which convened at Tayug, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 4, Headquarters Department of Northern Luzon, January 5, 1901, of which Capt. Joseph B. Batchelor, jr., 24th U. S. Infantry, was president, and Second Lieut. John B. Sanford, 24th U. S. Infantry, was judge-advocate, were arraigned and tried: Gregorio Ybasco and Agapito Tucay, natives.

CHARGE I.—“Robbery.” Specification.—“In that Gregorio Ybasco and Agapito Tucay, natives, and each of them, in company of and consorting with a band of ladrones, to the number of 10, more or less, armed with rifles and talibones (or machetes), on or about one Sunday in December, 1899, a time then as now of insurrection against the authority of the United States, at or near a barrio of San Nicolas, Pangasinan, P. I., called Santo Tomas, a place then as now in the theater of active military operations, did forcibly, feloniously, and against the will of the owners, take from the presence of the owners money to the amount of one hundred (100) pesos, Mexican, more or less, the property of Chrisostomo Mejia, Manuel Serios, Bartolome Tamayo, Juan Salinas, Santiago de los Santos, Ysidro Fernandez, Clemente Dodang Cruz, and Diogracias Escanor, all of San Nicolas, Pangasinan, P. I. This at time and place above specified.”

CHARGE II.—“Murder.” Specification.—“In that Gregorio Ybasco and Agapito Tucay, natives, and each of them, in company of and consorting with a band of armed ladrones to the number 10, more or less, on or about one Sunday in December, 1899, day of month unknown, a time then, as now, of insurrection against the authority of the United States, at or near a barrio of San Nicolas, Pangasinan, P. I., called Santo Tomas, a place then, as now, in the theater of active military operations, did, wilfully, feloniously, and with malice aforethought kill and murder Manuel Serios, Bartolome Tamayo, Juan Salinas, Santiago de los Santos, Ysidro Fernandez, Clemente Dodang Cruz, and Diogracias Escanor, peaceable natives of San Nicolas, Pangasinan, P. I., after having bound them securely with ropes, by cutting and stabbing them, the said Manuel Serios, Bartolome Tamayo, Juan Salinas, Santiago de los Santos, Ysidro Fernandez, Clemente Dodang Cruz, and Diogracias Escanor, with talibones (or knives), held in the hands of Gregorio Ybasco, Agapito Tucay, and members of aforesaid band of ladrones, inflicting wounds therewith, whereof they the said Manuel Serios, Bartolome Tamayo, Juan Salinas, Santiago de los Santos, Ysidro Fernandez, Clemente Dodang Cruz, and Diogracias Escanor, then and there died. This at time and place above specified.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, first charge, “guilty,” except the words ‘100 pesos, Mexican, more or less, the property of Chrisostomo Mejia, Manuel Serios, Bartolome Tamayo, Juan Salinas, Santiago de los Santos, Ysidro Fernandez, Clemente Dodang Cruz, and Diogracias Escanor,’ substituting therefor the words ‘two pesos, more or less, the property of Chrisostomo Mejia and Ysidro Fernandez,’ and of the excepted

words, not guilty; but guilty of the substituted words." Of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Gregorio Ybasco and Agapito Tucay, natives, and each of them, "to be hanged by the neck until each of them be dead, at the time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that these accused, Gregorio Ybasco and Agapito Tucay, were active and directing members of a band of armed outlaws, organized for robbery and assassination; that they seized, bound, and robbed eight peaceable natives at San Nicolas, Pangasinan, in December, 1899, conveyed them to an isolated spot on the banks of a river, where seven men were assassinated with guns and bolos, because suspected of being friendly to the Americans. The eighth prisoner escaped by slipping into the river, bound as he was, and, climbing to a log of wood, floating downstream. No doubt of the guilt of these accused arises from the evidence and no mitigating circumstance suggests clemency.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of San Nicolas, province of Pangasinan, Luzon, P. I., on the sixteenth (16th) day of August, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 22, 1901.

General Orders, No. 184.

Before a military commission which convened at Urdaneta, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220, Headquarters Department of Northern Luzon, December 8, 1900, and of which Captain James B. Goe, Thirteenth U. S. Infantry, was president, and First Lieutenant Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried:

Marcelo Primecon, Epitacio Marcelo, Abalisto Baladad, Martin Ancheta, Placido Manangan, Leonardo Victorio, Felix Corla, and Rosendo Pindara, natives.

CHARGE.—"Murder."

Specification.—"In that they, Marcelo Primecon, Epitacio Marcelo, Abalisto Baladad, Martin Ancheta, Placido Manangan, Leonardo Victorio, Felix Corla, and Rosendo Pindara, natives, and each of them, in company of and consorting with armed outlaws to the number of 10, more or less, did, willfully, feloniously, and with malice aforethought, kill and murder Bonifacio Villanueva, Jose Villanueva, Isaac Villanueva, and Eustacio Villanueva (the first named a boy about 6 years old), by cutting and stabbing them with bolos held in the hands of the said Primecon, Marcelo, Baladad, Ancheta, Manangan, Victorio, Corla, and Pindara, and of the said outlaws, inflicting wounds therewith whereof they, the said Bonifacio Villanueva, Jose Villanueva, Isaac Villanueva, and Eustacio Villanueva, and each of them, then and there died. This in time of insurrection, on or about January 17, 1900, at or near the barrio of Cayambanan, pueblo of Urdaneta, province of Pangasinan, P. I., a place then as now in the theater of military operations."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Marcelo Primecon and Epitacio Marcelo, natives, and each of them, "to be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

And the commission does therefore sentence them, Abalisto Baladad, Martin Ancheta, Felix Corla, and Rosendo Pindara, natives, and each of them, "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years."

In the foregoing case it appears that these accused, Marcelo Primecon, Epitacio Marcelo, Abalisto Baladad, Martin Ancheta, Leonardo Victorio, Placido Manangan, Felix Corla, and Rosendo Pindara, seized and bound three visitors in the town of Cayambanan, Pangasinan, one a lad of 6 years of age, and murdered them with bolos. At the time of the murder, these accused gave as a reason therefor that the deceased were residents of the pueblo of Cabaruan, the inhabitants of which, it is known, had, by a criminal policy, made themselves a terror to the neighboring pueblos and communities; but the evidence shows that the deceased were not resi-

dents of Cabaruan, and this fact, together with the wanton including in the triple murder a mere child incapable in law of doing any wrong, leaves no ground upon which to exercise clemency.

During the trial, the case against Placido Manangan and Leonardo Victorio was nolle prosequed by proper authority.

The sentence, approved by the department commander, is confirmed, and as against Marcelo Primecon and Epitacio Marcelo will be duly executed at Urdaneta, province of Pangasinan, Luzon, P. I., on the 30th day of August, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon. The presidio de Manila is designated as the place of execution of the sentence against Abalisto Baladad, Martin Ancheta, Felix Corla, and Rosendo Pindara, to which place they will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 22, 1901.

General Orders, No. 185.

Before a military commission which convened at Paniqui, province of Tarlac, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Maj. Robert K. Evans, 30th U. S. Infantry, was president, and First Lieut. Earle Edmundson, 33d Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

Juan Sariano, Sinforoso Bulatao, and Casimiro Bulatao, natives.

CHARGE.—“Murder.”

Specification.—“In that Juan Sariano, Sinforoso Bulatao, and Casimiro Bulatao, natives, each of them, did, in time then, as now, of insurrection, willfully, feloniously, and with malice aforethought murder and kill Alejandro Poco, a native, by striking the said Alejandro Poco with bolos, inflicting wounds whereof the said Alejandro Poco then and there died. This at Canan, a barrio of Paniqui, province of Tarlac, a place then as now within the theater of military operations of the United States forces, at or about 8 a. m, the 14th day of March, 1901.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Juan Sariano, Sinforoso Bulatao, and Casimiro Bulatao, natives, and each of them, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring herein.”

In the foregoing case it appears that these accused, Juan Sariano, Sinforoso Bulatao, and Casimiro Bulatao, while cutting bamboo at or near a barrio of Paniqui, Tarlac, P. I., were approached by deceased, who asked them why they were cutting bamboo at that place, the bamboo appearing to be the property of deceased. Thereupon these accused attacked deceased with bolos and then and there killed him.

No reasonable doubt of their guilt, as charged, arises from the record.

The sentence, approved by the department commander, is confirmed and will be duly executed against these accused, Juan Sariano, Sinforoso Bulatao, and Casimiro Bulatao, at Paniqui, province of Tarlac, Luzon, P. I., on the 30th day of August, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 22, 1901.

General Orders, No. 186.

Before a military commission which convened at Vigan, province of Ilocos Sur, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 78, Headquarters Department of Northern Luzon, March 21, 1901, and of which Maj. George A. Dodd, Fourteenth U. S. Cavalry, was president, and First Lieut. Edward Sigerfoos, Fifth U. S. Infantry, was judge-advocate, was arraigned and tried Francisco Celedonio, native.

CHARGE.—“Murder.”

Specification.—“In that Francisco Celedonio, commandant of insurgent guerrillas,

native, on or about December 20, 1899, then as now a time of insurrection against the lawful authority of the United States, at the pueblo of Cabugao, province of Ilocos Sur, P. I., a place then as now in the theater of active military operations, in command of a band of guerrillas, twenty, more or less, did willfully, feloniously, and with malice aforethought, as an officer of said band of guerrillas, order the killing and murdering of Basilio Noviega, presidente of said pueblo, and Benigno Sison, of said pueblo, by causing them, the said Noviega and the said Sison, to be tied and bound so as to render them, the said Noviega and the said Sison, helpless and did cause them to be stabbed with bayonets in hands of a member of the said band, name unknown, inflicting wounds therewith whereof they, the said Noviega and the said Sison, then and there died. This on the day and place above specified at about 11 p. m."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Francisco Celedonio, native, "To be hung by the neck until he, Francisco Celedonio, is dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that this accused, Francisco Celedonio, a commandant of guerrillas, with twenty followers, on December 20, 1899, entered the town of Cabugao, Ilocos Sur, then within the occupation of the United States troops and under United States government, seized and bound several inhabitants, including Basilio Noviega, presidente, and Benigno Sison; caused these last two to be bayoneted to death and affixed to their foreheads a paper bearing the inscription "Traidor de la Patria."

This crime constituted not only a violation of the laws of war but brutal and cowardly murders, with no other motive than punishment for the victims having accepted the United States protection and assisted in the local government there established.

Such wanton assassination of those under the protection of the United States Government can not be condoned and sooner or later must meet with the legal consequences prescribed for such barbarous deeds.

The sentence, approved by the department commander, is confirmed and will be duly executed at Cabugao, province of Ilocos Sur, Luzon, P. I., on the thirtieth (30th) day of August, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 22, 1901.

General Orders, No. 188.

Before a military commission which convened at San Isidro, province of Nueva Ecija, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 171, Headquarters Department of Northern Luzon, October 17, 1900, and of which Capt. Ernest V. Smith, 4th U. S. Infantry, was president, and First Lieut. Richard C. Day, 34th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Ciriaco Cabungal, native.

CHARGE I.—"Violation of the laws of war."

Specification.—"In that Ciriaco Cabungal, a native, being a member of a band of outlaws under one Sisto Francisco, in territory occupied by United States troops, and at a time then as now of insurrection against the lawful authority of the United States, and without participating continuously in the insurrection, but living habitually at his home and following a peaceful avocation, without the character or appearance of a soldier, did, from time to time, take up arms and molest, plunder, and terrorize peaceful inhabitants of the province of Nueva Ecija, Luzon, P. I. This at the place above specified during the time between September 1, 1900, and March 7, 1901."

CHARGE II.—"Abduction."

Specification.—"In that Ciriaco Cabungal, a native in company of and consorting with a band of armed outlaws, acting under orders from one Diego de Guzman and one Sisto Francisco, did feloniously and forcibly seize and carry away, against their will, the following persons: Cristina Zapanta Lopez and Generosa Lopez, the wife and daughter, respectively, of Prudencio Lopez, sergeant of police of the town of San Isidro, N. E., P. I. This at the barrio of San Isidro Malipit, on the 7th day of January, 1901, a time of insurrection and within territory occupied by the United States troops."

CHARGE III.—“Murder.”

Specification.—“In that Ciriaco Cabungal, a native, a member of a band of armed outlaws, associating and consorting therewith, did deliberately, feloniously, and with malice aforethought kill and murder by stabbing with knives, held in the hands of said band, the following persons: Cristina Zapanta Lopez and Generosa Lopez, the wife and daughter, respectively, of Prudencio Lopez, sergeant of police of the town of San Isidro, N. E., P. I., inflicting wounds whereof the said Cristia Zapanta Lopez and Generosa Lopez, and each of them, then and there died. This at or near the town of San Nicolas, province of Nueva Ecija, Luzon, P. I., on or about the 7th day of January, 1901, a time of insurrection and within territory occupied by the United States troops.”

PLEA.—To the specification, first charge, “guilty, except the words ‘Sisto Francisco,’ substituting therefor the words, ‘Diego de Guzman;’ of the excepted words, not guilty, and of the substituted words, guilty;” to the first charge, “guilty.” To the specification, second charge, “guilty, excepting the words ‘and one Sisto Francisco;’ and of the excepted words not guilty. To the second charge, “guilty.” To the specification, third charge, “not guilty.” To the third charge, “not guilty.”

FINDING.—Of the specification, first charge, “guilty,” except the words ‘Sisto Francisco,’ substituting therefor the words, ‘Diego de Guzman;’ of the excepted words, not guilty, and of the substituted words, guilty.” Of the first charge, “guilty;” of the specification, second charge, “guilty, excepting the words ‘and one Sisto Francisco,’ and of the excepted words, not guilty;” of the second charge, “guilty;” of the specification, third charge, “guilty;” and of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Ciriaco Cabungal, native, “To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case the accused, Ciriaco Cabungal, has pleaded guilty to the first and second charges and their specifications, and there is ample evidence of record to sustain them. Of the third charge he pleaded not guilty, but the record shows beyond all reasonable doubt that he was a controlling member of a band of outlaws which intercepted a carromata containing two native women, the wife and daughter, respectively, of a sergeant of police of San Isidro, Luzon, made them captives and, subsequently, murdered them with bolos. Accused admits his presence with the band at the time of the capture, and also his knowledge that the women were so captured for the purpose of killing them, but he seeks to avoid criminal responsibility for the murder by alleging he was not present at the actual killing. This is fully rebutted by the evidence, but, even if true, would constitute no defense in law. Where two or more are banded together for a felonious purpose, each is equally guilty with the one they employ as their instrument in carrying out that purpose.

The sentence, approved by the Department commander, is confirmed, but, in view of his subsequent recommendation to clemency, based upon the recommendation of two members of the commission, it is commuted to confinement at hard labor for life. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 25, 1901.

General Orders, No. 193.

Before a military commission which convened at Pozorrubio, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 220, Headquarters Department of Northern Luzon, December 8, 1900, and of which Capt. James B. Goe, Thirteenth U. S. Infantry, was president, and First Lieut. Harvey W. Miller, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried:

Silvino Galbay, Francisco Lopez, Gabino Urbano, Alejandro Bananan, and Alejo Menrije, natives.

CHARGE I.—“Kidnaping.”

Specification.—In that they, Silvino Galbay, Francisco Lopez, Gabino Urbano, Alejandro Bananan, and Alejo Menrije, natives, at Pozorrubio, Province of Pangasinan, Luzon, P. I., a place then as now under the military authority of the United States, on or about December 1, 1899, a time then, as now, of insurrection against the authority of the United States, in company of and consorting with a band of

men, number and names unknown, armed with bolos and one spear, did unlawfully and forcibly seize, bind and carry away from their places of residence the following persons, to wit: Nicomedes Imperial, Eulalio Imperial, Gregorio Imperial, and Quivas (an Igorrote), natives and residents of Pozorrubio, P. I. This about the time and at the place above specified."

CHARGE II.—"Murder."

Specification.—"In that they, Silvino Galbay, Francisco Lopez, Gabino Urbano, Alejandro Bananan, and Alejo Menrije, natives, at Pozorrubio, Province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States, on or about December 1, 1899, a time then, as now, of insurrection against the authority of the United States, in company of and consorting with a band of men, number and names unknown, armed with bolos and one spear, did willfully, feloniously and with malice aforethought kill and murder the following persons, to wit: Nicomedes Imperial, Eulalio Imperial, Gregorio Imperial, and Quivas (an Igorrote), natives and residents of Pozorrubio, P. I., by inflicting wounds, instrument or instruments unknown, whereof the said Nicomedes Imperial, Eulalio Imperial, Gregorio Imperial, and Quivas, then and there, or shortly afterwards, died. This about the time and place above specified."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Silvino Galbay, Francisco Lopez, Gabino Urbano, Alejandro Bananan, and Alejo Menrije, natives, and each of them, "To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case it appears that these accused, Silvino Galbay, Francisco Lopez, Gabino Urbano, Alejandro Bananan, and Alejo Menrije, at Pozorrubio, P. I., December 1, 1899, seized, bound, and carried from their houses, three native Filipinos, Nicomedes Imperial, Eulalio Imperial, Gregorio Imperial, and an Igorrote harvester, Quivas. Conveying these captives to an isolated spot, they were there murdered with bolos, some of the accused adding to the horror of the crime by raping the women of the families of their victims.

The motive seems to have been revenge on the part of accused Alejo Menrije, arising out of a long antecedent action of the victims in damming a stream which diverted water from the lands of this accused.

The sentence, approved by the Department Commander, is confirmed and will be duly executed against these accused, Silvino Galbay, Francisco Lopez, Gabino Urbano, Alejandro Bananan, and Alejo Menrije, at Pozorrubio, Province of Pangasinan, Luzon, P. I., on the 6th day of September, A. D. 1901, under direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 25, 1901.

General Orders, No. 195.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Capt. John H. H. Peshine, Thirteenth U. S. Infantry, was president, and Second Lieut. Sylvester Bonnaffon, Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried: Enfrasio de la Cruz, alias Clemente de la Cruz, native.

CHARGE I.—"Kidnaping."

Specification 1.—"In that Enfrasio de la Cruz, alias Clemente de la Cruz, a native, in company of and consorting with other natives to the number of six, more or less, did forcibly and unlawfully seize Leandro Fernandez and Roman Martin, natives, did bind them with cords, did beat and otherwise maltreat them, and did conduct them against their wills from the vicinity of the house of Eugenio Sol, a native, to the house of Jose Rico, a native, thence to the house of Juan de la Cruz, a native, and thence by banca to a place called Pindangan, where the said Fernandez was afterwards killed by outlaws to whom said Fernandez and Martin were delivered as prisoners by said Enfrasio de la Cruz. This at or near Camiling, province of Tarlac, a place under the military jurisdiction of the United States, on or about October 21, 1900, a time of insurrection."

Specification 2.—"In that Enfrasio de la Cruz, alias Clemente de la Cruz, a native, in company of and consorting with other natives to the number of fifteen (15), more or less, commanded and led by said Enfrasio de la Cruz, he, the said De la Cruz, being present, aiding and abetting, did unlawfully and forcibly seize one Hilario Antonio, a native, near the house of Ferzo Malio, a native, and did lead, carry, and conduct said Antonio, against his will, to the vicinity of the house of Enfrasio Manzano, a native, and did there detain him, the said Antonio, as a prisoner for the period of twenty-four hours, more or less. This at or near Camiling, province of Tarlac, a place under the military jurisdiction of the United States, on or about November 11, 1900, a time of insurrection."

CHARGE II.—"Murder."

Specification.—"In that Enfrasio de la Cruz, alias Clementine de la Cruz, a native, in company of and consorting with Elias Bersaman, Fermin Romero, Jose de la Cruz, and other natives to the number of nine (9), more or less, commanded and led by said Enfrasio de la Cruz, he, the said De la Cruz, being then and there present, aiding and abetting, did willfully, feloniously, and with malice aforethought kill and murder one Hilario Antonio, a native, by stabbing him with a bolo or bolos, held in the hands of members of the band, inflicting wounds whereof the said Antonio did then and there die. This at or near Camiling, province of Tarlac, a place under the military jurisdiction of the United States, on or about November 12, 1900, a time of insurrection."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Enfrasio de la Cruz, alias Clemente de la Cruz, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that the accused, Enfrasio de la Cruz, alias Clemente de la Cruz, was a controlling member of a band of armed outlaws that seized, bound, maltreated, and carried off as prisoners two natives, Leandro Fernandez and Roman Martin, near Camiling, Tarlac, October 21, 1900, then delivered them to a band of ladrones, who killed them for their friendliness to the Americans. Again, this accused and his band, impelled by like motives, on November 11, 1900, seized and bound one Hilario Antonio, held him prisoner for twenty-four hours and then murdered him with bolos.

No mitigating circumstances exist calling for clemency.

The sentence, approved by the department commander, is confirmed and will be duly executed at Camiling, province of Tarlac, Luzon, P. I., on the 6th day of September, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 27, 1901.

General Orders, No. 197.

Before a military commission which convened at Iloilo, Island of Panay, P. I., pursuant to paragraph 10, Special Orders, No. 67, Headquarters Department of the Visayas, March 13, 1901, and of which Lieut. Col. Charles J. Crane, Thirty-eighth Infantry, U. S. Volunteers, was president, and Capt. William G. Fleischhauer, Thirty-eighth Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Eroberto Gumban, native.

CHARGE.—"Murder."

Specification 1.—"In that on or about the 3d day of June, A. D. 1900, then as now a time of insurrection, at or near the pueblo of Pavia, Island of Panay, P. I., a place then as now a part of the territory and under the military government of the United States, one Eroberto Gumban, a native, did feloniously and willfully, with malice aforethought, murder and kill one Jilario Gobuyan, a native, at the time presidente of the said pueblo of Pavia, by then and there stabbing the said Jilario Gobuyan with a sharp instrument commonly called a dagger, held in the hands of the said Eroberto Gumban, then and there in the manner aforesaid inflicting a wound upon the body of the said Jilario Gobuyan from the effects of which wound so inflicted as aforesaid, the said Jilario Gobuyan died on or about the 4th day of June, A. D. 1900, at the pueblo of Jaro, Panay, P. I."

ADDITIONAL CHARGE.—“Violation of the laws of war.”

Specification 1.—“In that on or about the third day of June, 1900, then as now a time of insurrection, one Eroberto Gumban, a native, at that time and for some time prior thereto a resident of the pueblo of Pavia, Island of Panay, P. I., a place then as now occupied by the military forces and under the military government of the United States, did command and lead an irregular company of insurrecto soldiers for the purpose of attacking the American garrison stationed in the said pueblo of Pavia.”

Specification 2.—“In that on or about the 3d day of June, 1900, then as now a time of insurrection, one Eroberto Gumban, a native, at that time and for some time prior thereto a resident of the pueblo of Pavia, Island of Panay, P. I., a place then as now occupied by the military forces and under the military government of the United States, did, as captain of an irregular company, not clothed in a distinctive uniform, command and lead said company into the said pueblo of Pavia for the purpose of attacking the United States garrison at that place.”

Specification 3.—“In that on or about the 3d day of June, 1900, then as now a time of insurrection, one Eroberto Gumban, a native, at that time and for some time prior thereto a resident of the pueblo of Pavia, Island of Panay, P. I., a place then as now occupied by the military forces and under the military government of the United States, did assume command, as captain of an irregular company of insurgents, the same not being part or parcel of the organized hostile army, and not sharing continuously in regular warfare, but who did intermittently return to their homes and avocations.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—“And the commission does, therefore, sentence him, Eroberto Gumban, native, “to be hanged by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the military commission concurring in the death sentence.”

In the foregoing case it appears that the accused, Eroberto Gumban, was a regular commissioned captain of an engineer company in the insurgent army; that on or about June 3, 1900, in pursuance of orders from his superior officers, he proceeded to the pueblo of Pavia, Panay, P. I., with thirty soldiers, for the purpose of attacking the American garrison. After disposing his command for such attack and while arranging for the signal for a general assault the deceased, presidente of the pueblo, approached and asked accused his intentions. He was answered that the garrison was to be attacked, when he immediately protested and attempted to retire. Accused then informed deceased that he was a prisoner and proceeded to detain him by grasping him by the shoulder. Deceased then seized accused by the throat, attempted to take his revolver from its holster, when accused, with his left hand, drew his dagger and stabbed deceased in the abdomen. Deceased wrenched the dagger from accused and escaped, but died a few days later from peritonitis, resulting from the wound.

When accused and his band first reached Pavia, they put *camisas chino* over their uniforms and pieces of *nipa* about their guns to avoid attracting the attention of the American soldiers on their approach, and with the alleged intention of throwing them off at the moment of attack. After the struggle with the deceased, accused and his band withdrew.

Although perhaps guilty of violating the letter of the laws of war in assuming the *camisas chino* and *nipa* covers for their guns, such does not appear to have been done with a felonious intent, but rather as a *ruse de guerre*, having ample precedent in similar acts of civilized warfare. The charge of murder can not be sustained on the above facts. The accused was a regularly commissioned officer of the hostile army, engaged in a contemplated attack upon the enemy under the orders of his superior officers. His rank and office was well known to the deceased, and that accused was supported by a force of the hostile army was evident to him. The apprehension of deceased as a prisoner to prevent the defeat of a military movement against a garrison of the enemy was a legitimate act of war. The deceased resisted that arrest at his own risk, and, although the resistance was a brave and admirable act, and the death which resulted is to be deplored, a felonious killing can not be distorted from the facts.

The additional charges are not sustained by the evidence, nor do their specifications properly charge a crime.

The evidence shows that the accused made no raids; that he was acting under a regular commission and orders of his superior officers; that he shared continuously in the war; that he was a part and parcel of the hostile army; that he did not return to his home intermittently and assume peaceful avocations; that the only occasion of

his visit to his home was the death of his son, and in this visit there was no felonious purpose or intent, and that he was guilty of no treachery or outlawry. The allegation that accused had the purpose of attacking the garrison without showing he carried that purpose into effect by overt act does not constitute an offense under the laws of war.

The sentence is disapproved, and the accused, Eroberto Gumban, will be set at liberty.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 31, 1901.

General Orders, No. 199.

Before a military commission, which convened at Tayug, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 4, Headquarters Department of Northern Luzon, January 5, 1901, and of which Capt. Joseph B. Batchelor, jr., Twenty-fourth U. S. Infantry, was president, and Second Lieut. John B. Sanford, Twenty-fourth U. S. Infantry, was judge-advocate, were arraigned and tried:

Faustino Ruiz and Pedro Sebastian, natives.

CHARGE.—“Murder.”

Specification.—“In that Faustino Ruiz and Pedro Sebastian, Filipinos, and each of them, in company of and consorting with outlaws to the number of three, more or less, did wilfully, feloniously and with malice aforethought murder and kill Basilio Acasta, a Filipino, suspected of having been instrumental in delivering up guns to the Americans, by striking the said Acasta with a rock held in the hand or hands of the said Ruiz and with sticks or talibones held in the hands of members of said party of outlaws, inflicting wounds therewith whereof the said Acasta then and there died. This in time, then as now, of insurrection against the United States on or about the 24th day of September, 1900, at or near San Felipe, barrio of San Nicolas, province of Pangasinan, P. I., a place then as now occupied by the military forces of the United States.”

PLEA.—“Not guilty.”

FINDINGS.—Faustino Ruiz, “guilty;” Pedro Sebastian, “not guilty.”

SENTENCE.—And the commission does therefore “Acquit Pedro Sebastian;” and sentences Faustino Ruiz, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case it conclusively appears that the accused Faustino Ruiz, with others not parties defendant in this case, attacked and killed with a rock, a rice-beater, and club, one Basilio Acasta, suspected of having been instrumental in delivering insurgent rifles to the United States authorities.

The evidence that accused Pedro Sebastian was present or that he participated in the crime is so meager and contradictory as to justify his acquittal, which is confirmed. Accused Pedro Sebastian will, therefore, be set at liberty.

The sentence, approved by the department commander, is confirmed and will be duly executed against accused Faustino Ruiz at San Nicolas, province of Pangasinan, Luzon, P. I., on the thirtieth (30th) day of August, A. D., 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 31, 1901.

General Orders, No. 200.

Before a military commission which convened at Nueva Caceres, province of Camarines Sur, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 8, Headquarters Department of Southern Luzon, January 8, 1901, and of which Col. Almond B. Wells, First U. S. Cavalry, was president, and First Lieut. James A. Lynch, Fifteenth U. S. Infantry, was judge-advocate, were arraigned and tried Pastor Espirito, Eduardo Santo Domingo, and Agapito Majaklat, natives.

CHARGE I.—“Kidnapping in violation of the laws of war.”

Specification.—“In that they, Pastor Espirito, Eduardo Santo Domingo, and Agapito Majaldat, did enter the town of Tinambac, and there, by force and against his will, did kidnap a native, Carlos Benosa, and did from there conduct him to an unoccupied house in the woods in the vicinity of said town. This at Tinambac and vicinity, on or about March 14 and 15, 1901, in time of insurrection, and at a place under the military government of the United States.”

CHARGE II.—“Murder in violation of the laws of war.”

Specification.—“In that they, Pastor Espirito, Eduardo Santo Domingo, and Agapito Majaldat, did willfully and with malice aforethought murder a native, Carlos Benosa, after having kidnaped him, by binding his arms and drowning him in San Miguel Bay. This in time of insurrection, at or near Tinambac, Camarines Sur, P. I., March 15, 1901, a place under the military government of the United States.”

PLEA.—“Not guilty.”

FINDING.—Pastor Espirito, “guilty.”

Eduardo Santo Domingo and Agapito Majaldat, of the specification, first charge, “guilty;” of the first charge, “guilty.” Of the specification, second charge, “not guilty;” of the second charge, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Pastor Espirito, native, “to be confined at hard labor at such place as the reviewing authority may direct for the remainder of his natural life.”

And the commission does therefore sentence them, Eduardo Santo Domingo and Agapito Majaldat, natives, and each of them, “to be confined at hard labor at such place as the reviewing authority may direct for five (5) years.”

In the foregoing case it appears that Pastor Espirito, aided and assisted by his joint defendants, Eduardo Santo Domingo and Agapito Majaldat, was engaged in collecting contributions for the insurgents at Tinambac, Camarines Sur. Meeting one Carlos Benosa, suspected of being an Americanista, Pastor Espirito caused him to be seized, bound, and conveyed to the insurgent quarters across the river, and the following day ordered these other accused to bind deceased to a heavy rock and cast him into the sea, which order was carried out, resulting in the death of Benosa by drowning.

The sentences against Majaldat and Santo Domingo have been carried into effect by order of the department commander.

The sentence against Pastor Espirito, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place he will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 31, 1901.

General Orders, No. 202.

Before a military commission which convened at Manila, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 236, Headquarters Provost-Marshall-General (Separate Brigade, Provost Guard), December 13, 1900, and of which Col. William S. McCaskey, Twentieth U. S. Infantry, was president, and Second Lieut. C. Stuart Patterson, jr., Sixth U. S. Artillery, was judge-advocate, was arraigned and tried Victor Fajardo, native.

CHARGE.—“Murder.”

Specification.—“In that Victor Fajardo, native, on or about August 20, 1900, then, as now, a time of insurrection in the city of Manila, P. I., a place then, as now, under the military government of the United States, willfully, feloniously, and with malice aforethought did kill and murder one Ting Say, a Chinaman, by stabbing him with a knife in the hands of the said Victor Fajardo, then and there had and held, inflicting thereby wounds whereof he, the said Ting Say, died on August 21, 1900. This at the time and place above specified.”

PLEA.—“Guilty.”

FINDING.—Of the specification, “guilty, excepting the words ‘kill and murder,’ substituting therefor the words ‘assault with intent to kill,’ and excepting the words ‘whereof he, the said Ting Say, died August 20, 1900,’ of the excepted words ‘not guilty,’ and of the substituted word ‘guilty.’” On the charge, “not guilty, but guilty of assault with intent to kill.”

SENTENCE.—And the commission does therefore sentence him, Victor Fajardo, native, “to be confined at hard labor at such place as the reviewing authority may

direct for twenty years." In the foregoing case it appears that this accused, Victor Fajardo, committed a felonious assault with a knife upon three Chinamen in a carpenter shop on the corner of Gandara and Lacosta streets, Manila, August 20, 1900. It is also shown that a Chinaman named Ting Say was received at the San Juan de Dios Hospital August 20, 1900, suffering from knife wounds, from the effects of which he died; but there is no evidence that Ting Say was one of the men assaulted by the accused and the judge-advocate announced in open court his inability to procure the evidence on this most important point. The corpus delicti of this charge has, therefore, not been proven. That the accused was guilty of felonious assault upon three Chinamen, names unknown, is clear.

The commission having found the accused guilty of this minor included offense, the sentence, approved by the convening authority, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 2, 1901.

General Orders, No. 204.

Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Capt. John H. H. Peshine, Thirteenth U. S. Infantry, was president, and Second Lieut. Sylvester Bonnaffon, Thirteenth U. S. Infantry, was judge-advocate, was arraigned and tried Felix Trinidad, a native.

CHARGE I.—"Aiding guerrillas."

Specification 1.—"In that Felix Trinidad, alias 'F. Smith,' a native, did unlawfully collect money, clothing, bolos, cigarettes, and other articles from the native residents of Camiling, and did transmit the same to one Fructuoso Sembrano, a native outlaw engaged in guerrilla warfare against the United States."

"This at or near Camiling, province of Tarlac, a place under the military jurisdiction of the United States, at various and sundry times during the months of October and November, 1900, a time of insurrection."

Specification 2.—"In that Felix Trinidad, alias 'F. Smith,' a native, in compliance with orders of one Fructuoso Sembrano, a native outlaw engaged in guerrilla warfare against the United States, did unlawfully obtain and forward to said Sembrano, various persons, residents of the town of Camiling, to the number of 20 more or less, which persons were compelled to become members of the band of outlaws."

"This at or near Camiling, province of Tarlac, a place under the military jurisdiction of the United States, at various and sundry times during the months of October and November, 1900, a time of insurrection."

CHARGE II.—"Kidnaping."

Specification.—"In that Felix Trinidad, alias 'F. Smith,' a native, acting as an agent of one Fructuoso Sembrano, a native outlaw engaged in guerrilla warfare against the United States, did, when Ramon Martin and Leandro Fernandez, natives, who had been seized and bound by Clemente de la Cruz (alias Enfrasio de la Cruz), Francisco Candelario, and others were brought before him, unlawfully direct that said Martin and Fernandez be conducted to the encampment of the guerrillas, and did then and there write a letter of transmittal to said Sembrano, and transmit it by said Clemente de la Cruz, who, pursuant to said directions, forcibly and feloniously and against their will, conducted said Martin and Fernandez to a place called Pindangen, where the said Fernandez was a few days later assassinated by the guerrillas."

"This at or near Camiling, province of Tarlac, a place under the military jurisdiction of the United States, on or about October 21, 1900, a time of insurrection."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Felix Trinidad, native, "to be confined at hard labor for a period of thirty (30) years at such place as the reviewing authority may direct."

In the foregoing case it appears that this accused, Felix Trinidad, while living at Camiling, Tarlac, within the lines and occupation of the United States troops, aided and abetted an armed band of outlaws under the leadership of Fructuoso Sembrano, by collecting from the inhabitants and sending to him money, clothing, bolos, food,

and cigarettes; drafting natives and forcing them to join such band of outlaws, and causing to be seized, bound, and conveyed to its notorious leader two prisoners, one of whom was subsequently murdered by said band.

The evidence discloses this accused as a war traitor of the worst type, and morally, if not legally, responsible for the assassination of at least one inoffensive native.

The sentence, approved by the department commander, is confirmed and will be duly executed at the presidio de Manila, to which this prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 2, 1901.

General Orders, No. 205.

Before a military commission which convened at Laoag, province of Ilocos Norte, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 98, Headquarters Department of Northern Luzon, April 10, 1901, and of which Maj. Alfred Reynolds, Twentieth U. S. Infantry, was president, and First Lieut. George H. Estes, 20th U. S. Infantry, was judge-advocate, were arraigned and tried Pedro Galut, Basilio Caoing, Antonino Layaoen, and Teovaldo Ofino, natives.

CHARGE I.—“Murder, in violation of the laws of war.”

Specification.—“In that they, Pedro Galut, Basilio Caoing, Antonino Leyaoen, and Teovaldo Ofino, natives, and each of them, on or about March 16, 1901, then as now a time of insurrection, at or near Uguis, jurisdiction of Badoc, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas, names and numbers unknown, armed with deadly weapons, to wit, bolos and spears, did willfully, feloniously, and with malice aforethought, kill and murder Sanay Sagas, Andres Redondo, Guimba, and a boy, name unknown, and each of them, all natives and residents of Uguis, by stabbing and cutting them with bolos and spears held in the hands of members of said band, inflicting various mortal wounds upon the bodies of said Sanay Sagas, Andres Redondo, Guimba, and boy, name unknown, whereof the said Sanay Sagas, Andres Redondo, Guimba, and boy, name unknown, and each of them, then and there died, the said Pedro Galut, Basilio Caoing, Antonino Layaoen, and Teovaldo Ofino, and each of them, being then and there present, aiding, and abetting, and cooperating with the said band. This at the time and place above specified.”

CHARGE II.—“Arson.”

Specification.—In that they, Pedro Galut, Basilio Caoing, Antonino Layaoen, and Teovaldo Ofino, natives, and each of them, did, on or about March 16, 1901, then as now a time of insurrection, in the town of Uguis, jurisdiction of Badoc, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of armed guerrillas, names and number unknown, feloniously and maliciously set fire to and burn twenty-five dwelling houses, more or less, and ten granaries, more or less, the property of and occupied by natives of Uguis. This at the time and place above specified.”

PLEAS.—“Not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, excepting the words, ‘Andres Redondo, Guimba, and a boy, name unknown,’ where such words occur, substituting in each case ‘Eding,’ of the excepted words not guilty, and of the substituted words guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Basilio Caoing, Antonino Layaoen, and Teovaldo Ofino, natives, and each of them, “To be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

And the commission does therefore sentence him, Pedro Galut, native, “To be confined at hard labor, at such place as the reviewing authority may direct, for the period of ten (10) years.”

In the foregoing case it appears that these accused, Pedro Galut, Basilio Caoing, Antonino Layaoen, and Teovaldo Ofino were members of a band of armed outlaws that attacked and burned the town of Uguis, jurisdiction of Badoc, Luzon, P. I., about March 16, 1901, and killed three peaceful natives with spears and bolos. These

accused and each of them are shown to have been active participants in killing the victims and in burning the buildings.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, is commuted in the cases of Basilio Caoing, Antonino Layaoen, and Teovaldo Ofino to imprisonment at hard labor for the period of their natural lives. The Presidio de Manila is designated as the place of execution of the sentences of all these accused, to which they will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Attorney-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 6, 1901.

General Orders, No. 208.

Before a military commission which convened at Tarlac, province of Tarlac, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 79. Headquarters Department of Northern Luzon, March 22, 1901, and of which Capt. Robert K. Evans, Twelfth U. S. Infantry, was president, and First Lieut. Earle Edmundson, Thirty-third Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried Eginio Gamurot, Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni, natives.

CHARGE.—“Murder.”

Specification.—“In that Eginio Gamurot, Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni, all natives of the Philippine Islands, and each of them on or about July 12, 1900, then as now a time of insurrection, in the pueblo of Victoria, province of Tarlac, Luzon, P. I., a place, then as now, in the theater of active military operations, did forcibly take from their homes two peaceful native citizens Simplicio Daniel and Angelino Daniel, and having conducted them to a retired spot, outside the limits of the aforesaid pueblo, did willfully, feloniously, and with malice aforethought kill and murder the said Simplicio Daniel and Angelino Daniel, by stabbing them with a bolo held in the hands of Eginio Gamurot, inflicting wounds therewith, whereof they, the said Simplicio Daniel and Angelino Daniel, then and there died.”

“This at about 8 o'clock p. m., on or about the date and at the place above specified.”

PLEAS.—Eginio Gamurot, “guilty;” Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni, “not guilty.”

FINDINGS.—Eginio Gamurot, “guilty;” Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni, “not guilty.”

SENTENCE.—And the commission does therefore acquit the said Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni, natives, and does sentence the said Eginio Gamurot, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring in this sentence.”

In the foregoing case it appears of record that Eginio Gamurot, one of the accused, was a corporal of police at Victoria, Tarlac, and by virtue of his authority over the other accused, Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni, who were also policemen, ordered them to assist him in arresting two natives, Simplicio and Angelino Daniel, which being accomplished they took their captives to the fields where the accused Gamurot, without further assistance from the other accused, conducted the deceased to a still greater distance and when beyond observation killed them with a bolo. The motive for this murder is found in the accusation that the deceased had given information to the Americans regarding the location of an insurgent camp.

The commission having found Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni not guilty, they will be set at liberty.

The sentence against Eginio Gamurot, approved by the department commander is confirmed, and will be duly executed at Victoria, province of Tarlac, Luzon, P. I., on the 13th day of September, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 6, 1901.

General Orders, No. 209.

Before a military commission which convened at Capas, province of Tarlac, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Maj. Robert K. Evans, Thirtieth U. S. Infantry, was president, and First Lieut. Earle Edmundson, Thirty-third Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Jose Atienza, native.

CHARGE I.—“Murder.”

Specification.—“In that he, Jose Atienza, on or about the 31st day of October, 1900, a time, then as now, of insurrection against the lawful authority of the United States, at or near the sitio of Sampolac, barrio of Cutcut, pueblo of Capas, province of Tarlac, Luzon, P. I., a place then, as now, under the military occupation and Government of the United States, in company of and consorting with a band of armed outlaws to the number of fifteen (15), more or less, did wilfully, feloniously, and with malice aforethought, kill and murder one Manuel Dantes, native, by shooting the said Manuel Dantes in the head with a revolver held in the hands of the said Jose Atienza, thereby inflicting a wound whereof the said Manuel Dantes then and there died. This at the time and place above specified.”

CHARGE II.—“Kidnapping.”

Specification 1.—“In that he, Jose Atienza, native, on or about October 25, 1900, a time, then as now, of insurrection against the lawful authority of the United States, at or near the plaza in the pueblo of Capas, province of Tarlac, Luzon, P. I., a place then, as now, under the military occupation and Government of the United States, in company of and consorting with a band of armed outlaws to the number of ten (10), more or less, did feloniously and forcibly seize and carry away, against his will, one Cirilio Lombay, native, by binding his arms with ropes and forcibly proceeding with him through the barrio Cutcut southwest toward the sitio Sampolac, from which time and place the said Cirilio Lombay has never returned or been heard from since. This at the time and place above specified.”

Specification 2.—“In that he, Jose Atienza, native, on or about October 31, 1900, a time, then as now, of insurrection against the lawful authority of the United States, at or near the plaza in the pueblo of Capas, province of Tarlac, Luzon, P. I., a place then, as now, under the military occupation and Government of the United States, in company of and consorting with a band of armed outlaws to the number of ten (10), more or less, did feloniously and forcibly seize and carry away, against his will, one Manuel Dantes, native, by binding his arms with ropes and forcibly proceeding with him through the barrio Cutcut southwest toward the sitio Sampolac, from which time and place the said Manuel Dantes has never returned or been heard from since. This at the time and place above specified.”

CHARGE III.—“Being a guerrilla.”

Specification.—In that he, Jose Atienza, native, not being a member of any recognized military organization, but acting independently of the same, did, in combination with sundry other persons similarly acting, armed with guns, revolvers, and bolos, engage in a guerrilla warfare, and in prosecution of such warfare did rob and terrorize the peaceful inhabitants of the pueblo of Capas and its barrios. This between October 1, 1900, and February 1, 1901, in the pueblo and barrios of Capas, province of Tarlac, Luzon, P. I.”

PLEA.—To the specification, first charge, “guilty, excepting the words ‘wilfully, feloniously, and with malice aforethought,’ and the word ‘murder’ to the excepted words ‘not guilty;’” to the first charge, “not guilty;” to the first specification, second charge, “not guilty;” to the second specification, second charge, “not guilty;” to the second charge, “not guilty;” to the specification, third charge, “not guilty;” to the third charge, “not guilty.”

FINDINGS.—Of the specification, first charge “guilty.” Of the first charge, “guilty.” Of the first specification, second charge, “not guilty.” Of the second specification, second charge, “guilty.” Of the second charge, “guilty.” Of the specification, third charge, “guilty, except the words, ‘and in prosecution of such warfare did rob and terrorize the peaceful inhabitants of the pueblo of Capas and its barrios,’ and of the excepted words, not guilty.” Of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, José Atienza, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring in these findings and this sentence.”

In the foregoing case it appears that the defendant, José Atienza, was associated with an armed band of outlaws, not a part of any recognized military organization,

and that he, with others, at Capas, Tarlac, October 31, 1900, seized, bound, and conveyed to a newly prepared grave, one Manuel Dantes, suspected of friendliness to the Americans. Here the accused personally shot Dantes through the head from behind while the latter was bound and helpless. The accused admits the killing as alleged, but seeks to avoid responsibility for his act by the plea, persistently relied upon in like cases, that he was acting under the orders of a superior officer. In this instance such superior officer was not present and exercised no power of duress over the accused, and he admitted that he had never known his superior officer to kill anyone who avoided the execution of an order such as he had willingly obeyed. But if the facts were otherwise, and the accused in fact did murder deceased through a cowardly fear of remote danger to his own life, not only was he guilty of murder, but the officer who gave the order and all who assisted in the act of assassinating a law-abiding man are principals in law and subject to its severest penalties.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Capas, Tarlac Province, Luzon, P. I., on the 13th day of September A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., August 13, 1901.

General Orders, No. 216.

Before a military commission which convened at Bautista, Province of Pangasinan, pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Capt. John H. H. Peshine, Thirteenth U. S. Infantry, was president, and Second Lieutenant Sylvester Bonnaffon, Thirteenth U. S. Infantry, was judge-advocate, were arraigned and tried: Manuel Cadulasan, Dionisio Bustillos, Esteban Caramillo, Esteban Lopez, Tiburcio Bagnio, Pascual Francisco, Gregorio Caramillo, Cipriano Arellano, Filomeno Areola, Castor Castro, Miguel Mulatao, Nicolas Laureta and Antonio Barcena, natives.

CHARGE.—“Kidnapping.”

Specification.—“In that Manuel Cadulasan, Dionisio Bustillos, Esteban Caramillo, Esteban Lopez, Tiburcio Bagnio, Pascual Francisco, Gregorio Caramillo, Cipriano Arellano, Filomeno Areola, Castor Castro, Miguel Mulatao, Nicolas Laureta and Antonio Barcena, natives, and each of them, being members of a band of natives armed with talibones, on or about January 4, 1900, a time, then as now, of insurrection against the lawful authority of the United States, in territory, then as now, occupied by United States troops, did, unlawfully, feloniously, and forcibly seize, bind and take from his house and conduct away from said house, against his will, Martin Ganancial, a native.

“This at or near the sitio of Palaquipac, town of Rosales, P. I., on or about the date specified.”

CHARGE II.—“Arson.”

Specification.—“In that Esteban Lopez, Manuel Cadulasan, Tiburcio Bagnio, Dionisio Bustillos, Pascual Francisco, Esteban Caramillo, Gregorio Caramillo, Cipriano Arellano, Filomeno Areola, Castor Castro, Miguel Mulatao, Nicolas Laureta and Antonio Barcena, natives, and each of them, being member of a band of natives, armed with talibones, on or about January 4, 1900, a time, then, as now, of insurrection against the lawful authority of the United States, in territory then, as now, occupied by United States troops, did willfully, maliciously, and feloniously set fire to and burn the dwelling house of one Martin Ganancial, a native, thereby destroying said dwelling house and compelling the exit therefrom of said Martin Ganancial, native.

“This at or near the sitio of Palaquipac, town of Rosales, P. I., on or about the date above specified.”

CHARGE III.—“Murder.”

Specification.—“In that Esteban Lopez, Manuel Cadulasan, Tiburcio Bagnio, Dionisio Bustillos, Pascual Francisco, Esteban Caramillo, Gregorio Caramillo, Cipriano Arellano, Filomeno Areola, Castor Castro, Miguel Mulatao, Nicolas Loreta and Antonio Barcena, natives, and each of them, being members of a band of natives, armed with talibones, on or about January 4, 1900, a time then, as now, of insurrection against the lawful authority of the United States, in territory then, as now, occupied by United States troops, did, willfully, feloniously, and with malice afore-

thought, kill and murder Martin Ganancial, a native, with bolos held in the hands of members of the said band, names unknown, inflicting wounds therewith, whereof the said Martin Ganancial, a native, then and there died. This at or near the sitio of Rabago, town of Rosales, P. I., on or about the date specified."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them as follows: "The said Dionisio Bustillos, Castor Castro, Miguel Mulatao, and Nicolas Laureta, and each of them, "To be hanged by the neck until they and each of them are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein; and the said Manuel Cadulasan, Esteban Lopez, Tiburcio Bagnio, Pascual Francisco, Gregorio Caramillo, Cipriano Arellano, Filomeno Areola and Antonio Barcena, and each of them, to be confined at hard labor at such place as the reviewing authority may direct, for the period of thirty (30) years."

In the foregoing case, it appears that these accused, Manuel Cadulasan, Dionisio Bustillos, Esteban Caramillo, Esteban Lopez, Tiburcio Bagnio, Pascual Francisco, Gregorio Caramillo, Cipriano Arellano, Filomeno Areola, Castor Castro, Miguel Mulatao, Nicolas Laureta, and Antonio Barcena, led by Manuel Cadulasan, about January 4, 1900, in the nighttime, surrounded the house of one Martin Ganancial, at Rosales, P. I., called him forth and upon his failing to comply, fired the house. While escaping from the flames, Ganancial was seized, bound, and conveyed to an isolated spot, by these accused, and there murdered with bolos.

No reasonable doubt as to the participation of all of these accused in the crimes alleged arises from the evidence, and many of them admit their presence and connection with the band perpetrating the crimes.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, is commuted in the cases of Dionisio Bustillos, Castor Castro, Miguel Mulatao, and Nicolas Laureta, and each of them, to imprisonment at hard labor for the period of their natural lives; and in the cases of Manuel Cadulasan, Esteban Caramillo, Esteban Lopez, Tiburcio Bagnio, Pascual Francisco, Gregorio Caramillo, Cipriano Arellano, Filomeno Areola, and Antonio Barcena, and each of them, is mitigated to imprisonment at hard labor for the term of fifteen (15) years. As thus commuted and mitigated, the sentences will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES.

Manila, P. I., August 17, 1901.

General Orders, No. 221.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 158, Headquarters Department of Northern Luzon, October 3, 1900, and of which Lieut. Col. Samuel M. Swigert, 13th U.S. Cavalry, was president, and Maj. Charles F. Kieffer, surgeon, 48th Infantry, U. S. V., was judge-advocate, was arraigned and tried:

I.—Natalio Valencia, native.

CHARGE I.—"Murder, in violation of laws of war."

Specification 1.—"In this, that he, Natalio Valencia, first lieutenant of insurrectos, and in charge of Guerrilla No. 5, Ilocos Sur, did direct Lorenzo Andaya, one of his soldiers, to murder Pedro Carino, a peaceful inhabitant of Amaraao, San Jose, which illegal order was obeyed, and the said Pedro Carino murdered with a bar of iron held in the hands of the said Lorenzo Andaya." "This at or near the rancheria Quintabungao, San Jose, Ilocos Sur, Luzon, P. I., a place in territory occupied by United States forces, on or about January, 1901."

Specification 2.—"In this, that he, Natalio Valencia, first lieutenant of insurrectos, and in charge of Guerrilla No. 5, Ilocos Sur, was present as an officer and shared responsibility of an illegal order given to one Lorenzo Andaya, to murder one Gregorio Paredes, a peaceful inhabitant of Santa Cruz, Ilocos Sur, which was done with an iron bar held in the hands of the said Lorenzo Andaya, a native of Tagudin," "This at or near rancheria of Mapolina, San Jose, Ilocos Sur, Luzon, P. I., a place in territory occupied by United States forces, on or about March, 1901."

CHARGE II.—"Barbarism, in violation of the laws of war." *Specification.*—"In this, that he, Natalio Valencia, first lieutenant of insurrectos, and in charge of Guer-

rilla No. 5, Ilocos Sur, did, after having one Pedro Carino, a peaceful inhabitant of San Jose, Ilocos Sur, murdered, order and direct his soldiers to dip their hands in and taste the blood of the said Pedro Carino." "This at or near rancheria of Quintabungao, Ilocos Sur, Luzon, P. I., a place in territory occupied by United States forces, on or about January, 1901."

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge.—"Guilty, except the word 'iron,' substituting the word 'wood;' of the excepted word, not guilty; of the substituted word guilty." Of the second specification, first charge.—"Guilty, except the words, 'an iron,' substituting the words, 'a wooden;' of the excepted words, not guilty; of the substituted words, guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Natalio Valencia, first lieutenant of insurrectos, "To be hanged by his neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case it appears that this accused, Natalio Valencia, was the leader of Guerrilla No. 5, Ilocos Sur, and as such, at San Jose, in January, 1901, ordered one of his soldiers to murder a peaceful native accused of being a spy for the Americans, which order was then and there executed, the victim being struck on the back of the head with a billet of wood. In like manner, one Gregorio Paredes was murdered in the presence of and under the direction of accused, at Mapolina, San Jose, in March, 1901; and Pedro Carino, at Quintabungao, in January, 1901. This last victim, having been struck at the base of the skull, bled freely from the ears and nose, whereupon the accused lined up his soldiers and compelled them, at the point of his revolver, to drink or taste of this blood.

One guilty of such savage ferocity reveals himself as an enemy of mankind and forfeits all claim to mercy.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Bangar, Province of Union, Luzon, P. I., on the thirteenth (13th) day of September, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

II.—Hilario Quesada, native.

CHARGE I.—"Murdering prisoners, in violation of the laws of war."

Specification 1.—"In this, that he, Hilario Quesada, native, lieutenant of insurrectos, and in command of an escort, which escort had in its keeping an American prisoner, presumed to be Private James H. Husketh, Company H, 29th Infantry, U. S. V., did order the said escort to murder the said American prisoner, which was done in the immediate presence and under the personal supervision of the said Hilario Quesada, lieutenant of insurrectos, with bayonets held in the hands of the members of the said escort and with a gun held in the hands of Corporal Luis Lopez, of the said escort. This in the month of March, 1900, a time of insurrection and near the rancheria of Sabed, Union, Luzon, P. I., territory in the theatre of military operations."

Specification 2.—"In this, that he, Hilario Quesada, native, lieutenant of insurrectos, being in command of an escort of a cabo and four insurrecto soldiers, and having under his protection an American prisoner, one Sullivan, a noncombatant, did order the said escort to murder the said noncombatant American prisoner, Sullivan, which was done in his, Quesada's immediate presence, and under his personal supervision, by bayonets held in the hands of the members of the said escort." "This about the month of March, 1900, a time of insurrection, and at or near the rancheria of Sabed, Union Province, Luzon, P. I., a place in the theatre of military operations."

CHARGE II.—"Breaking oath of amnesty, in violation of the laws of war." *Specification.*—"In this, that he, Hilario Quesada, lieutenant of insurrectos, being a prisoner of the American forces and sent to Manila, where he was liberated, after taking the prescribed oath of amnesty, did violate the said oath and again engage in insurrection against the United States, until he was captured in an engagement with the United States forces at or near the rancheria of Barineucurong, Tagudin, Ilocos Sur, on or about March 8, 1901."

"This at the time and place above mentioned."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Hilario Quesada, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case it appears that this accused, Hilario Quesada, was a lieutenant-

ant of insurgents and in command of an escort having in charge two American prisoners, one Private James H. Husketh, Company H, 29th Infantry, U. S. Volunteers, and the other, George B. Sullivan, a civilian merchant and noncombatant.

At or near the rancheria of Sabed, Union, Luzon, during the month of March, 1900, this accused ordered a squad of his command to kill these prisoners with bayonets at a preconcerted signal. His escort was so disposed in marching as to favor this purpose, and on reaching an isolated part of the road a corporal stepped in front of the victims, took off his hat, which was the signal agreed upon, whereupon the soldiers behind, with fixed bayonets, sprang forward and ran them through from the back. Private Husketh, not dying immediately, was shot with a rifle by order of and in presence of the accused.

These cold-blooded murders were alike in violation of the laws of war and of peace, and no circumstance in mitigation appears of record.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Bangar, Province of Union, Luzon, P. I., on the thirteenth (13th) day of September, A. D., 1901, under the direction of the commanding general, department of Northern Luzon.

III.—Patricio Zaydin, native.

CHARGE.—“Murder, in violation of the laws of war.”

Specification 1.—“In this, that he, Patricio Zaydin, a leader of a band of guerrillas operating in the southern part of Ilocos Sur, having captured one ‘Tad-Ing,’ a peaceful inhabitant of Sigay, District of Amburayan, did order the said ‘Tad-Ing’ to be killed, which was done with a bolo held in the hands of one Esteban Fabro, acting under the direct orders of the said Patricio Zaydin.” “This at or near the rancheria of Sigay, District of Amburayan, in territory occupied by United States forces, on or about January, 1901, in time of insurrection.”

Specification 2.—“In this, that he, Patricio Zaydin, a leader of a band of armed guerrillas, operating in southern Ilocos Sur, after having captured a peaceful native of Salcedo, Teodorico Gusman, did direct the murder of the said Teodorico Gusman, which was done with bolos or other sharp instruments held in the hands of the said Patricio Zaydin and one Esteban Fabro, a member of the said band of guerrillas.”

“This at or near the rancheria of Sigay, district of Amburayan, in territory occupied by the United States forces, on or about January, 1901, a time of insurrection.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, “guilty.” Of the second specification, “guilty, except the words, ‘with bolos or other sharp instruments held in the hands of the said Patricio Zaydin, and one,’ substituting the words, ‘with a bolo held in the hands of,’ of the excepted words, not guilty, of the substituted words, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Patricio Zaydin, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case it appears that the accused, Patricio Zaydin, was a leader of a band of guerrillas operating in the southern district of Ilocos Sur, and as such seized, bound, and caused to be bolloed to death an Ygorrote, “Tad-Ing,” of Sigay, district of Amburayan, and a native of Salcedo, Teodorico Gusman, on the suspicion that they were spies of the Americans.

No mitigating circumstances suggests modification of the sentence. The crimes were wantonly committed and the material elements to sustain the charge are admitted by the accused.

The sentence, approved by the department commander, is confirmed and will be duly executed at Bangar, province of Union, Luzon, P. I., on the thirteenth (13th) day of September, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 17, 1901.

General Orders, No. 222.

Before a military commission which convened at Palanoc, island of Masbate, P. I., pursuant to paragraph 5, Special Orders, No. 11, Headquarters Department of Southern Luzon, January 11, 1901, and of which Capt. Abner Pickering, Second United States Infantry, was president, and Capt. Peter E. Marquart, Second United States Infantry, was judge-advocate, was arraigned and tried Pasquinto de Leon, native.

CHARGE I.—“Murder.” Specification.—“In that he, Pasquinto de Leon, being employed as a scout by the commanding officer of the United States forces on the island of Masbate, P. I., did in time, then as now, of insurrection, proceed to the island of Magcaraguit and willfully, feloniously, and with malice aforethought murder and kill José Adorno, a native, by shooting the said José Adorno, inflicting wounds whereof the said José Adorno then and there died. This at the place above specified about December 15, 1900.”

CHARGE II.—“Relieving the enemy, in violation of the laws of war.” Specification.—“In that he, Pasquinto de Leon, being employed as a scout by the commanding officer of United States forces on island of Masbate, P. I., did, during December, 1900, or January, 1901, in time, then as now, of insurrection, at or near Uson, island of Masbate, P. I., a place then as now in territory occupied by the United States troops, send to the enemy about three hundred (300) rounds of ball cartridges, caliber .30, for United States magazine rifle. This at the time and place above specified.”

CHARGE III.—“Communicating with enemy, in violation of the laws of war.” Specification.—“In that he, Pasquinto de Leon, being employed as a scout by the commanding officer of United States troops on island of Masbate, P. I., did, during December, 1900, and January and February, 1901, at a time, then as now, of insurrection, give the enemy valuable information by having letters written to the leaders of the ladrones or insurgents. This at or near Uson, P. I., at time above specified.”

PLEA.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “guilty.” To the second charge, “guilty.” To the specification, third charge, “guilty.” To the third charge, “guilty.”

FINDING.—Of the specification, first charge, “guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except the words and figures ‘three hundred (300),’ substituting therefor the words and figures ‘thirteen (13),’ and except the words and figures ‘caliber .30 for United States magazine rifle,’ substituting therefor the words ‘for Mauser rifle,’ of the excepted words and figures not guilty, and of the substituted words and figures guilty.” Of the second charge, “guilty.” Of the specification, third charge, “guilty.” Of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Pasquinto de Leon, native, “to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that the accused, Pasquinto de Leon, while acting as a scout in the employ of the United States forces, shot and killed a native, José Adorno, no justification for his action appearing of record.

It is also shown that accused aided and abetted the public enemy by sending its leaders a Mauser rifle and thirteen rounds of ammunition and letters containing valuable information as to the condition and movements of the American forces.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Masbate, island of Masbate, on the 27th day of September, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 17, 1901.

General Orders, No. 223.

Before a military commission which convened at the city of Manila, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 23, Headquarters Provost-Marshal-General (Separate Brigade, Provost Guard), January 30, 1901, and of which Maj. William H. Bishop, 36th Infantry, U. S. Volunteers, was president, and Capt. Warren H. Ickis, 36th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Nicolas Herrero, native.

CHARGE.—“Murder.”

Specification.—“In that he, Nicolas Herrero, a native, on or about August 4, 1900, then, as now, a time of insurrection, at Manila, Luzon, P. I., a place then as now under the military government of the United States, did, willfully, feloniously, and with malice aforethought, kill and murder one Carlos G. de Lara, a native and policeman captain, by shooting him, the said Lara, with a revolver, inflicting wounds

therewith whereof he, the said Lara, died on or about the 5th day of August, 1900. This at the time and place above specified."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Nicolas Herrero, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Nicolas Herrero, native, the evidence shows beyond a reasonable doubt that the accused is guilty in the manner and form as charged, and it is believed that the ends of justice call for the execution of the sentence, which is confirmed. However, in accordance with the recommendation of the convening authority, the sentence is commuted to imprisonment at hard labor for the period of ten years. As thus commuted the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 19, 1901.

General Orders, No. 224.

Before a military commission which convened at Capas, province of Tarlac, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Maj. Robert K. Evans, 30th U. S. Infantry, was president, and First Lieut. Earle Edmundson, 33d Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Felix Atienza, native.

CHARGE I.—"Murder."

Specification 1.—"In that he, Felix Atienza, native, on or about October 25, 1900, a time then as now of insurrection against the lawful authority of the United States, at or near the sitio of Sampaloc, barrio of Cutcut, pueblo of Capas, province of Tarlac, Luzon, P. I., a place then as now under the military occupation and government of the United States, in company of and consorting with a band of armed outlaws to the number of ten (10), more or less, did, willfully, feloniously, and with malice aforethought, as a leader of said band of outlaws, order the killing and murdering of one Cirilio Lombay, native, and did cause him to be cut and slashed, by ordering Antonio Bautista and Valeriano Pangilenan, members of said band of outlaws, to cut and slash him, the said Cirilio Lombay, with bolos, held in the hands of said Antonio Bautista and Valeriano Pangilenan, and wherewith wounds were inflicted, by reason of which wounds he, the said Cirilio Lombay, then and there died. This at the time and place above specified."

Specification 2.—"In that he, Felix Atienza, native, during the month of November, 1900, date unknown, a time then as now of insurrection against the lawful authority of the United States, at or near the sitio of Sampaloc, barrio of Cutcut, pueblo of Capas, province of Tarlac, Luzon, P. I., a place then as now under the military occupation and government of the United States, in company of and consorting with a band of armed outlaws, to the number of twenty (20), more or less, did, willfully, feloniously, and with malice aforethought, as a leader of said band of armed outlaws, order the killing and murdering of Eusebio Ramos and Clesento Ramos, natives, by causing them, the said Eusebio Ramos and Clesento Ramos, to be cut and slashed, by ordering and forcing two (2) Igorrotes, names unknown, to cut and slash them, the said Eusebio Ramos and Clesento Ramos, with bolos, held in the hands of said two Igorrotes, and wherewith divers cuts and wounds were inflicted whereof they, the said Eusebio Ramos and Clesento Ramos, then and there died. This at the time and place above specified."

Specification 3.—"In that he, Felix Atienza, native, on or about the 31st day of October, 1900, a time then as now of insurrection against the lawful authority of the United States, at or near the sitio of Sampaloc, barrio of Cutcut, pueblo of Capas, province of Tarlac, Luzon, P. I., a place then as now under the military occupation and government of the United States, in company of and consorting with a band of armed outlaws to the number of fifteen (15), more or less, did, willfully, feloniously, and with malice aforethought, as a leader of said band of armed outlaws, order the killing and murdering of Manuel Dantes, native, by causing him, the said Manuel Dantes, to be shot, by ordering Jose Atienza, native, a member of said band of armed outlaws, to kill the said Manuel Dantes, and in consequence of this order said

Manuel Dantes, native, was shot in the head with a revolver held in the hands of said Jose Atienza, whereof the said Manuel Dantes then and there died.

"This at the time and place above specified."

CHARGE II.—"Being a guerrilla."

Specification.—"In that he, Felix Atienza, native, not being a member of any recognized military organization, but acting independently of the same, did, in combination with sundry other persons, similarly acting, armed with guns, revolvers, and bolos, engage in guerrilla warfare, and in promotion of such warfare, did rob and terrorize the peaceful inhabitants of the pueblo of Capas and its barrios. This between October 1, 1901, and February 1, 1901, in the pueblo and barrios of Capas, province of Tarlac, Luzon, P. I."

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge, "guilty." Of the second specification, first charge, "guilty." Of the third specification, first charge, "guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty, except the word 'rob,' and of the excepted word not guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Felix Atienza, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring in these findings and this sentence."

In the foregoing case, it appears that this accused, Felix Atienza, native, was a leader of an armed band of outlaws, directing its operations, in violation of the laws of war, against the peaceful inhabitants of the pueblo of Capas; that he ordered and caused to be consummated the murder with bolos of an unarmed and bound native, Civilio Lombay, at the brink of a newly made grave near the sitio of Sampaloc, Tarlac, on the suspicion of the victim being a spy of the Americans; that, again, he similarly and for like motive, caused two Igorrotes to murder two natives, Eusebio Ramos and Clesento Ramos, and on another occasion he caused one Manuel Dantes to be bound, conveyed to the brink of a grave, and shot from behind by the brother of accused.

The attempt to throw the responsibility of such barbarous crimes upon orders of a superior can not be recognized in law or justice, particularly so where no immediate duress was exerted at the time and place of the perpetration of the crimes. The illegality of orders of this character is so patent as to charge the most meager intelligence with notice of their illegality.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the pueblo of Capas, Tarlac Province, Luzon, P. I., on the thirteenth (13) day of September, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 19, 1901.

General orders, No. 226.

Before a military commission which convened at Concepcion, Province of Tarlac, Luzon, P. I., pursuant to paragraph 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Capt. Charles W. Abbot, jr., 12th U. S. Infantry, was president, and First Lieut. Earle Edmundson, 33d Infantry U. S. Volunteers, was judge-advocate, were arraigned and tried Francisco Dizon, Gregorio Sampson, Pedro Layug, and Victorio Manalang, natives.

CHARGE.—"Murder."

Specification.—"In that they Francisco Dizon, Gregorio Sampson, Pedro Layug, Victorio Manalang, natives, and each of them, on or about the 16th of October, 1900, then as now a time of insurrection, at or near the barrio of Santa Cruz, pueblo of Concepcion, province of Tarlac, island of Luzon, P. I., a place, then, as now, within the theatre of active military operations, in company of and consorting with a band of armed outlaws, to the number of fifteen (15), more or less, names unknown, of which band said Francisco Dizon was in command, did each, willfully, feloniously, and with malice aforethought, kill and murder one Juan Rojas, native, by stabbing him, the said Juan Rojas, with a dagger held in the hand of a member of said armed band, acting under the direct orders of the said Francisco Dizon, inflicting wounds therewith, whereof the said Juan Rojas did then and there die."

PLEAS.—“Not guilty.”

FINDINGS.—Victorio Manalang, “not guilty.” Francisco Dizon and Pedro Layug, “guilty.”

SENTENCE.—And the commission does, therefore, “aquit him, the said Victorio Manalang,” and does sentence the said Pedro Dayug “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years,” and does sentence the said Francisco Dizon “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission herein concurring.”

In the foregoing case, it appears that accused, Francisco Dizon and Pedro Layug, in company of other armed outlaws, under the command of accused Francisco Dizon, and acting under his direct orders, carried one Juan Rojas, suspected of being friendly to the Americans, to an isolated spot and there killed him with a dagger.

No doubt as to the guilt of these two accused, as alleged, arises from the record, and the case as to accused Dixon presents no mitigating circumstance.

In the case of accused Gregorio Sampson, a nolle prosequi was entered by authority of the department commander.

The sentence, approved by the department commander, is confirmed, but in accordance with his recommendation in the case of Pedro Layug is commuted to imprisonment at hard labor for the term of fifteen years. The Presidio de Manila is designated as the place for the execution of his sentence, to which place this prisoner will be sent under proper guard.

The sentence as to accused Francisco Dizon will be duly executed at the pueblo of San Isidro, province of Nueva Ecija, Luzon, P. I., on the twentieth day of September, A. D. 1901, under the direction of the commanding-general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 19, 1901.

General Orders, No. 227.

Before a military commission which convened at Concepcion, Province of Tarlac, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Maj. Robert K. Evans, 30th U. S. Infantry, was president, and First Lieut. Earle Edmundson, 33d Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried Simplicio Alfonso and Juan de la Cruz, natives.

CHARGE.—“Murder.”

Specification.—“That Simplicio Alfonso and Juan de la Cruz, natives, and each of them, in company and command of and consorting with Agapito Guinto and others, to the number of twenty, armed insurgents, more or less, names unknown, did feloniously and with malice aforethought kill and murder one Esteban Carlos, native, by shooting him with a gun held in the hands of the said Agapito Guinto, inflicting a wound therewith whereof the said Esteban Carlos then and there died. This in time, then as now, of insurrection, in the sitio of Tepangbuhe, pueblo of Concepcion, Tarlac, P. I., territory under military control of the United States, about 6.30 p. m., on or about January 4, 1901.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Simplicio Alfonso and Juan de la Cruz, natives, and each of them, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring in this sentence.”

In the foregoing case it appears that these accused, Simplicio Alfonso and Juan de la Cruz, were insurgent lieutenants at Tepangbuhe, Concepcion, Tarlac; the former the senior and the latter the junior, that both of these accused ordered their soldiers to capture and kill one Esteban Carlos, suspected to being a spy of the Americans, and such order was duly executed, the accused, Juan de la Cruz, being present at its consummation.

As it is recommended by the department commander that the sentence in the case of Simplicio Alfonso be commuted to life imprisonment, clemency will also be extended to his junior and subordinate, though coprincipal in the crime.

The sentence is confirmed, but is commuted to imprisonment at hard labor for the

term of the natural life of each of them. As thus commuted the sentence will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 19, 1901.

General Orders, No. 228.

Before a military commission which convened at Lingayen, Pangasinan, P. I., pursuant to paragraph 7, Special Orders, No. 97, Headquarters Department of Northern Luzon, April 9, 1901, and of which Maj. Daniel H. Brush, 25th U. S. Infantry, was president, and Second Lieut. John R. Thomas, jr., 17th U. S. Infantry, was judge-advocate, was arraigned and tried Juan Barcena, native.

CHARGE I.—“Murder.”

Specification 1.—“In that he, Juan Barcena, native, in company with others, names unknown, did willfully, feloniously, and with malice aforethought kill and murder one Fito Balisalisa, native, by cutting and stabbing the said Fito Balisalisa with bolos held in the hands of said Juan Barcena, and others, names unknown, inflicting wounds therewith whereof the said Fito Balisalisa did then and there or presently after die. This at or near the barrio Balangbang, pueblo of Dasol, province of Zambales, Luzon, P. I., on or about the 10th day of April, 1900, then, as now, a time of insurrection, at a place then, as now, under the jurisdiction of the United States.”

Specification 2.—“In that he, Juan Barcena, native, in company with others, names unknown, did willfully, feloniously, and with malice aforethought kill and murder one Pedro Arbilla, native, by shooting the said Pedro Arbilla with a rifle or rifles, held in the hands of the said Juan Barcena and others, names unknown, thereby inflicting wounds from which the said Pedro Arbilla did then and there or presently after die. This at or near the barrio Mabalita, pueblo of Dasol, province of Zambales, Luzon, P. I., on or about the 25th day of April, 1900, then, as now, a time of insurrection, at a place then, as now, under the jurisdiction of the United States.”

Specification 3.—“In that he, Juan Barcena, native, did willfully, feloniously, and with malice aforethought kill and murder a minor child of Braulio Bustamante, native, by shooting the said minor child with a rifle, held in the hands of the said Juan Barcena, thereby inflicting wounds from which the said minor child did then and there or presently after die. This at or near the pueblo of San Isidro, province of Zambales, Luzon, P. I., some time during the month of September, 1900, then, as now, a time of insurrection, at a place then, as now, under the jurisdiction of the United States.”

CHARGE II.—“Kidnaping.”

Specification.—“In that he, Juan Barcena, native, in company with others, names unknown, ten (10), more or less, in number, did feloniously and forcibly bodily seize and carry away from their homes and against their wills the following persons, to wit: Pedro Arbilla, Nicolas Arbilla, and Tomas Arbilla, all of them natives, and did forcibly and unlawfully hold the said Pedro Arbilla, Nicolas Arbilla, and Tomas Arbilla in captivity. This at or near the barrio of Mabalita, pueblo of Dasol, province of Zambales, Luzon, P. I., on or about the 25th day of April, 1900, then, as now, a time of insurrection, at a place then, as now, under the jurisdiction of the United States.”

CHARGE III.—“Robbery.”

Specification.—“In that he, Juan Barcena, a native of the Philippine Islands, in company with others, names unknown, ten (10), more or less, in number, did feloniously and forcibly take from the presence of the owner or custodian a quantity of money, clothes, and other valuables, value unknown, the property of Pedro Arbilla, a native. This at or near the barrio Mabalita, pueblo of Dasol, province of Zambales, Luzon, P. I., on or about the 25th day of April, 1900, then, as now, a time of insurrection, at a place then, as now, under the jurisdiction of the United States.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “guilty.” Of the second specification, first charge, “guilty.” Of the third specification, first charge, “guilty, except of the words ‘during the month of September,’ substituting therefor the words ‘on or about October 25,’ of the excepted words not guilty, of the substituted word guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.”

Of the second charge, "guilty." Of the specification, third charge, "guilty." Of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, the said Juan Barcena, native, "to be hanged by the neck until dead at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that the accused, Juan Barcena, in company of an armed band of outlaws, at the places and on or about the times alleged, seized, bound, and murdered, with bolos, a native, Fito Balisalisa, suspected of friendliness to the Americans; that he and his band shot to death with rifles another native, Pedro Arbilla; and that he personally shot and killed with a rifle a child of one Braulio Bustamente, because the latter was unable to meet the demand of accused for a contribution of rice.

Accused is also shown to have been guilty of kidnaping and holding captive against their wills three natives of Mabalita, Zambales, and of robbing Pedro Arbilla of money, clothes, and other valuables.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Lingayen, province of Pangasinan, Luzon, P. I., on the 20th day of September, A. D., 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 22, 1901.

General Orders, No. 233.

Before a military commission which convened at Gerona, province of Tarlac, pursuant to paragraph 7, Special Orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Maj. Robert K. Evans, 30th U. S. Infantry, was president, and First Lieut. Earle Edmunson, 33d Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried Tomas Bacolor, Emeterio del Rosario, and Andres Rebillido, natives.

CHARGE.—"Murder."

Specification.—"In that Tomas Bacolor, Emeterio del Rosario, and Andres Rebillido, natives, and each of them, at the barrio of San Andres, pueblo of Victoria, province of Tarlac, Luzon, in territory then, as now, occupied by U. S. troops, and at a time, then, as now, of insurrection against the lawful authority of the U. S., did willfully, feloniously, and with malice aforethought kill and murder three natives, Paulino Garcia, Louisa Pangilinan, and one native boy, name unknown, by cutting the three said natives with bolos held in the hands of Tomas Bacolor, Emeterio del Rosario, and Andres Rebillido, inflicting wounds therewith whereof they, the said Paulino Garcia, Louisa Pangilinan and the native boy, name unknown, then and there died. This at the place above specified, during the month of September, 1900."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

And the commission does therefore sentence them, the said Tomas Bacolor, Emeterio del Rosario, and Andres Rebillido, natives, and each of them, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring in this sentence."

In the foregoing case it appears that these accused, Tomas Bacolor, Emeterio del Rosario, and Andres Rebillido, in the barrio of San Andres, pueblo of Victoria, Tarlac, about September, 1900, seized and conveyed to an isolated spot a native man, a woman, and a boy, and then and there murdered them with bolos, on the alleged suspicion that the victims were spies of the Americans.

No doubt as to the full guilt of all these accused arises from the record, and the cruel and vicious murder of a defenseless man, helpless woman, and harmless boy can call for but one fitting penalty.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Victoria, province of Tarlac, P. I., on the 20th day of September, A. D. 1901, under the direction of the commanding general, department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES.

Manila, P. I., August 22, 1901.

General Orders, No. 234.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 158, Headquarters Department of Northern Luzon, October 3, 1900, and of which Lieut. Col. Samuel M. Swigert, 13th U. S. Cavalry, was president, and Maj. Charles F. Kieffer, surgeon, 48th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Florentino Garbo, native.

CHARGE I.—“Kidnaping, in violation of the laws of war.”

Specification.—“In this that he Florentino Garbo, a native of Santa Cruz, Ilocos Sur, in company with three other natives, names unknown, did kidnap one Severino Orfiano from the house of one Agapito Jaena, a native, of the barrio of Amarao, with the intention of murdering the said Severino Orfiano, and that he the said Florentino Garbo, and his companions, names unknown, did forcibly and against his will keep said Severino Orfiano a prisoner for the space of a day and a night until the said murder could be consummated. This at or near the barrio of Quinsabungen, Santa Cruz, Ilocos Sur, Luzon, P. I., in territory occupied by the U. S. military forces, in or about the month of November, 1900, a time of insurrection.”

CHARGE II.—“Murder, in violation of the laws of war.”

Specification.—“In this that he, Florentino Garbo, a native of Santa Cruz, Ilocos Sur, Luzon, P. I., having in company with others, names unknown, kidnaped one Severino Orfiano, a peaceful inhabitant of Balaoan, did murder the said Severino Orfiano, with a bolo held in his, the said Florentino Garbo's, hands. This at or near Quinsabungen, Santa Cruz, Ilocos Sur, Luzon, P. I., in territory occupied by the U. S. military forces, in or about the month of November, 1900, a time of insurrection.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, first charge, “not guilty.” Of the first charge, “not guilty.” Of the specification, second charge, “guilty, except the words ‘having in company with others, names unknown, kidnaped one Severino Orfiano, a peaceful inhabitant of Balaoan’ and also except the words ‘the said,’ of the excepted words ‘not guilty.’” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Florentino Garbo, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Florentino Garbo, native, it appears that the accused was an uninformed boloman, as were the men of arms-bearing age generally in Santa Cruz; that he was under the command of insurgent officers whenever called by them from his usual peaceful occupations to assist in criminal depredations upon the community. In this instance, the deceased was a very lame man and had come from a neighboring barrio to that of Quinsabungen on a friendly visit. Here he was forcibly seized in the house of his entertainers, accused of being a spy, and without hearing or form of trial, in open day and in the most public manner, hurried to the nearby forest and there killed and buried.

Accused appears to have been selected as executioner by a lieutenant of insurgents, who was present and ordered the accused to commit this crime. Although the weight of evidence favors the conclusion that the accused was a willing participant therein, and under the laws of war merits the extreme penalty, still, in view of the orders of his guerrilla chief and the recommendation of the department commander, the sentence here confirmed will be commuted to imprisonment at hard labor for the term of his natural life. As thus commuted the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,

Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES.

Manila, P. I., August 24, 1901.

General Orders, No. 238.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 9, Special Orders, No. 143, Headquarters Department of Northern Luzon, May 25, 1901, and of which Lieut. Col. Samuel M. Swigert, 13th U. S. Cavalry, was president, and Capt. Edward Sigerfoos, 5th U. S. Infantry, was judge-advocate, was arraigned and tried Francisco Peralta, a native.

CHARGE—"Murder, in violation of the laws of war."

Specification 1.—"In this that he, Francisco Peralta, a leader of a band of insurgents, did willfully, feloniously, and with malice aforethought order one Francisco Ominga, a member of his band, to kill Mariano Orfiano, a peaceful inhabitant of Balaoan, Union Province, which order was obeyed, and in consequence thereof the said Mariano Orfiano was killed and murdered by being struck with a bolo or other sharp instrument, held in the hands of the said Francisco Ominga, whereby wounds were inflicted whereof the said Mariano Orfiano then and there died. This at or near the rancheria of Quensabungan, Santa Cruz, within the theater of military operations on or about December, 1900, a time of insurrection."

Specification 2.—"In that he, Francisco Peralta, a leader of a band of insurrectos, did willfully, feloniously, and with malice aforethought order one Florentino Garbo, a native, to kill one Severino Orfiano, a peaceful inhabitant of Balaoan, Union Province, which order was obeyed, and in consequence whereof the said Severino Orfiano was killed and murdered by being struck with a bolo or other sharp instrument held in the hands of the said Florentino Garbo, whereby wounds were inflicted whereof the said Severino Orfiano then and there died. This at or near Quensabungan, Santa Cruz, Ilocos Sur, on or about November, 1900, within the theater of active military operations and in time of insurrection."

ADDITIONAL CHARGE.—"Murder."

Specification.—"In that Francisco Peralta, native, in company of, and consorting with, a band of armed outlaws which he commanded, to wit: Agapito Suyat, Eusebio de Sesto, Francisco Ominga, Mariano Viloria, Pedro de Sesto, Fermin Directo, Vicente Baldonade, Valentin Orine, Ignacio Noses, Timoteo Viloria, Inocencia Obillo, Guillermo Lopez, Ysabelo de Sesto, and others, names unknown, all natives, on the night of May 5, 1900, in a time of insurrection, did enter the town of Bangar, Province of Union, P. I., a territory occupied by the military forces of the United States, and seize the following persons, to wit: Rufo Patacsil, Pascual Argallo, Filomeno Andrada, Marcos Blen, native scouts employed by the United States, and Cayetano Lamento, a native policeman of Bangar, and did then and there, willfully, feloniously, and with malice aforethought, murder and kill the said Rufo Patacsil, Pascual Argallo, Filomeno Andrada, Marcos Blen, and Cayetano Lamento, by causing them to be shot to death with guns held in the hands of said band of outlaws. This at the place and date above specified."

PLEA.—To the first specification, "Guilty, excepting the words, 'willfully, feloniously, and with malice aforethought,' to the excepted words, not guilty." To the second specification, "guilty, excepting the words, 'willfully, feloniously, and with malice aforethought,' to the excepted words, not guilty." To the charge, "not guilty." To the specification, additional charge, "guilty, excepting the words, 'willfully, feloniously, and with malice aforethought,' and the words, 'and murder,' to the excepted words, not guilty." To the additional charge, "not guilty."

FINDING.—Of the first specification, "guilty." Of the second specification, "guilty." Of the charge, "guilty." Of the specification, additional charge, "guilty." Of the additional charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Francisco Peralta, native, "to be hung by the neck until dead at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that the accused, Francisco Peralta, was a leader of an armed band of men living within the lines of the United States forces. Wearing by day the ordinary native dress and seemingly following peaceful occupations, the band came together at night, or, in localities not immediately occupied by American troops, by day and night, for the purpose chiefly, it appears, of summarily killing those of their neighbors who were friendly to the American Government.

The accused upon the witness stand admitted all the material facts establishing his criminal responsibility for the murder of seven men in the manner and form as charged. His defense was that he did this in compliance with the general orders of his superiors that all spies should suffer death. Yet the murdered men were not spies. When seized they were peacefully living at their homes. A spy is a person who enters the lines of an army in disguise. "Concealment or disguise and the employment of false pretenses are essential elements of the crime of being a spy." Again, "spies who are captured after having successfully returned to the lines of the army which employs them shall not be liable to trial and punishment for offenses committed prior to such successful return."

Such are the necessary, yet so far as may be humane and just, provisions of the laws of war.

The controlling motive actuating the accused appears by his testimony to have

been his conception that all natives friendly to the Americans were traitors, but in one instance a personal grievance is disclosed. Quoting his own testimony, his victim, it appears, had acted as guide to "the American troops and scouts, who seized all my cattle and horses, and he knew where they were."

So, too, out of his own mouth he condemned himself and his followers as acting the part of perpetual spies upon the American troops. Speaking of his soldiers, he testified: "In the nighttime they stayed in the cuartel, but in the daytime they used to take walks everywhere in civilian dress. My soldiers all had cedulas from the American Government, and the places the Americans occupied were occupied by us, too, for they furnished us food and obeyed our orders. The reason the Americans could never catch the insurgents was because they always went in civilian dress." Here are all the elements necessary to constitute a spy of the most dangerous kind. Insurgent soldiers in ordinary citizens' dress lurked about and among the American garrisons. With deceptive cunning they obtained cedulas from the American authorities, and while abiding their chance to surprise and assail American troops or assassinate their neighbors who were friendly to those troops, pretended to be peaceful neighbors and good friends. What is true of the locality of these crimes is known to be true everywhere throughout all the provinces that have joined the insurrection. But when a whole people deliberately adopts a method of waging war contrary to the recognized laws of war, those laws, following the enlightened and humane sentiments of the most civilized nations, do not sanction that a sentence of extermination shall issue against a whole people. Hence, in confirming the sentence in this case, the general commanding is not moved by any consideration of the fact that the accused and his followers are shown to have been spies and therefore under ordinary conditions, subject to the penalty of death, but is guided solely by the fact that the accused is beyond all doubt guilty of personally directing and, in his presence, causing the wanton murder of men living in the peace of the Government of the United States.

The sentence, approved by the department commander, will be duly executed at the pueblo of Bangar, province of Union, Luzon, P. I., on the 11th day of October, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 29, 1901.

General Orders, No. 241.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 4, Special Orders, No. 23, Headquarters Provost-Marshall-General (Separate Brigade, Provost Guard), January 30, 1901, and of which Maj. William H. Bishop, 36th Infantry, U. S. Volunteers, was president and Capt. Warren H. Ickis, 36th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried:

I. Julian Pioquinto, a native.

CHARGE.—"Murder."

Specification.—"In that said Julian Pioquinto, a native, on or about September 29, 1900, then as now a time of insurrection, at the city of Manila, P. I., a place then as now under the military government of the United States, did willfully, feloniously, and with malice aforethought kill and murder one Ong Shung, a Chinaman, by stabbing him, the said Ong Shung, with a knife in the hands of him, the said Julian Pioquinto, then and there had and held, inflicting thereby wounds whereof he, the said Ong Shung, then and there died. This at the time and place above specified."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, the said Julian Pioquinto, native, "to be confined at hard labor, at such place as the reviewing authority may direct, for twenty-five (25) years."

In the foregoing case of Julian Pioquinto, native, it appears by the testimony of a single witness that the accused at nighttime sprang upon the deceased as he was taking his seat in a quilez beside the witness and inflicted blows with a knife, from which deceased soon bled to death. The witness did not call the police nor make known the crime to the authorities, and his unsupported and contradictory statements are not deemed worthy of credence. The sentence is disapproved and the prisoner will be set at liberty.

II. Juan Tagal, alias Juan Tagalo, alias Juan Tagalog, native.

CHARGE I.—“Murder.”

Specification.—“In that he, Juan Tagal, alias Juan Tagalo, alias Juan Tagalog, native, on or about the 4th day of December, 1900, a time then as now of insurrection against the military authority of the United States, at Manila, Luzon, P. I., a place then as now occupied by the troops of the United States, did willfully, feloniously, and with malice aforethought kill and murder one Basilio Alvarez, a native, by striking him, the said Basilio Alvarez, with a dangerous weapon, the description of which weapon is unknown, then and there had and held in the hands of the said Juan Tagal, alias Juan Tagalo, alias Tagalog, inflicting wounds therewith upon the person of the said Basilio Alvarez, whereof he, the said Alvarez, then and there died.”

CHARGE II.—“Assault with intent to kill.”

Specification.—“In that he, Juan Tagal, alias Juan Tagalo, alias Juan Tagalog, native, on or about the 4th day of December, 1900, a time then as now of insurrection against the lawful military authority of the United States, at Manila, Luzon, P. I., a place then as now occupied by the troops of the United States, did willfully, feloniously, and with malice aforethought make an assault on Arcadio Semelio and Hugo Alejandro, natives, and each of them, with a dangerous weapon, the description of which weapon is unknown, then and there had and held in the hand of the said Juan Tagal, alias Juan Tagalo, alias Juan Tagalog, with the intent then and there willfully, feloniously, and with malice aforethought to kill and murder them, the said Arcadio Semelio and Hugo Alejandro, and each of them.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Juan Tagal, alias Juan Tagalo, alias Juan Tagalog, a native, “to be confined at hard labor at such place as the reviewing authority may direct for twenty (20) years.”

In the foregoing case it appears that the accused, Juan Tagal, alias Juan Tagalo, alias Juan Tagalog, was in temporary charge of the steam launch *Miley*, at the time moored to the river bank near the custom-house in Manila: that on or about 10 o'clock at night three sailors came aboard the *Miley* from the steam launch *Brainard*, lying a few yards above the *Miley*, for the purpose of gambling. A game was accordingly commenced, when the accused ordered the participants to cease playing, saying it was against the rules for persons to gamble on his boat, and later blew out a light to make more effective his orders. The visitors then left the *Miley*, but in going manifested anger, and, from the bank, against which the *Miley* lay, one of them challenged the accused to fight. The accused accepted the challenge, and going on shore, a fight ensued in which five or six persons participated and the accused and three others were severely wounded, one being fatally wounded and dying from the effects of a knife wound in the abdomen. During the fray the accused had possession of an iron bar, about 18 inches in length, with which he pursued the sailors from the *Brainard* to the two lorchas lying beside and between her and the river bank. The fight continued on these lorchas until after the lapse of some minutes, when the near-by American military guard arrested the participants.

In forbidding the men who had come aboard the *Miley* to gamble, the accused acted within his lawful right and duty, but in following these men on shore with a deadly instrument he assumed the part of a criminal.

The men from the *Brainard* had, however, employed insulting and anger-provoking words toward the accused, which led him to assail them, and in the fight blows were given and received which resulted in the death of the deceased, and, as stated, the serious wounding of the accused. It would be wresting the law from its true meaning to hold that the killing of deceased was done with premeditation and malice aforethought, elements necessary to clearly establish the crime of murder, and hence the finding upon that charge is disapproved.

The finding upon the second charge is approved, the sentence is confirmed, but is commuted to imprisonment at hard labor for the term of ten (10) years. As thus commuted the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 30, 1901.

General Orders, No. 243.

Before a military commission which convened at Manila, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 23, Headquarters Provost-Marshal-General (Separate Brigade, Provost Guard), January 30, 1901, and of which Maj. William H. Bishop,

Thirty-sixth Infantry, United States Volunteers, was president, and Capt. Warren H. Ickis, Thirty-sixth Infantry, United States Volunteers, was judge-advocate, was arraigned and tried Aniceto de Leon, a native.

CHARGE I.—“Abduction.” * * *

Specification.—“In that Aniceto de Leon, a native, together with Antonio Olivas and sundry other persons whose names are unknown, natives, on or about the 16th day of December, 1900, a time, then as now, of insurrection against the United States, at Manila, P. I., a place, then as now, under the military authority of the United States, one Antanacia San Juan, a female, aged about eighteen (18) years, against her will, with unchaste designs, feloniously and forcibly did seize, take, and carry away, for the purpose of having carnal knowledge of her, the said Antanacia San Juan, against the peace and dignity of the state.”

CHARGE II.—“Rape.”

Specification 1.—“In that Aniceto de Leon, a native, on the 16th day of December, 1900, a time, then as now, of insurrection against the United States, at Manila, P. I., a place, then as now, under the military authority of the United States, in and upon one Antanacia San Juan, violently and feloniously did make and assault, then and there, and against her will did ravish and carnally know, against the peace and dignity of the state.” (Specifications 2 to 15, inclusive, are of the same tenor as the one last quoted.)

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Aniceto de Leon, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for twenty (20) years.”

In the foregoing case of Aniceto de Leon, native, the prosecution has failed to establish by the evidence the guilt of the accused beyond a reasonable doubt. The finding and sentence are therefore disapproved, and the prisoner will be set at liberty.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., August 30, 1901.

General Orders, No. 244.

Before a military commission which convened at Lingayen, Pangasinan, P. I., pursuant to paragraph 7, Special Orders, No. 97, headquarters Department of Northern Luzon, April 9, 1901, and of which Maj. Daniel H. Brush, Twenty-fifth U. S. Infantry, was president, and Second Lieut. John R. Thomas, jr., Seventeenth U. S. Infantry, was judge-advocate, were arraigned and tried: Deogracias Doria and Roque Doria, natives.

CHARGE I.—“Kidnapping.”

Specification.—“In that on or about the 15th day of November, 1899, then, as now, a time of insurrection, at or near the barrio of San Carlos, pueblo of San Carlos, Province of Pangasinan, island of Luzon, Philippine Islands, a place then, as now, in the theater of active military operations, Deogracias Doria and Roque Doria, natives, and each of them, in company of and consorting with a band of outlaws armed with rifles and bolos, the said band consisting of eighteen (18) men, more or less, did forcibly and feloniously seize Marcello Fernandez, Domingo Fernandez, Andres Doria and Alejandro Navarro, policemen from the pueblo of Aguilar, in the said Province of Pangasinan and did then and there bind the four aforesaid policemen, blindfold them, and take them forcibly and against their wills, and against the will of each of them, to a point in or near the said barrio of San Carlos, on the bank of the River Agno. This at the time and place above specified.”

CHARGE II.—“Murder.”

Specification.—“In that on or about the 15th day of November, 1899, then, as now, a time of insurrection, at or near the barrio of San Carlos, pueblo of San Carlos, Province of Pangasinan, island of Luzon, Philippine Islands, a place then, as now, in the theater of active military operations, Deogracias Doria and Roque Doria, natives, and each of them, in company of, and consorting with, a band of outlaws armed with rifles and bolos, the said band consisting of eighteen (18) men, more or less, did, acting in concert with the said band of outlaws, wilfully, feloniously, and with malice aforethought, kill and murder Domingo Fernandez, Andres Doria, and Alejandro Navarro, policemen of the pueblo of Aguilar, in the said Province of Pangasinan, by shooting them with rifles and cutting them with bolos held in the hands

of the said Deogracias Doria, Roque Doria, and other members of the said band of outlaws, inflicting wounds therewith, whereof the said Domingo Fernandez, Andres Doria, Alejandro Navarro, then and there died; the said band of outlaws having first seized, bound, and blindfolded the three aforesaid policemen and taken them by force from a house in or near the said barrio of San Carlos, to a point in or near the said barrio on the bank of the River Agno and there, after murdering the three aforesaid policemen, as aforementioned, threw their bodies into the said River Agno. This at the time and place above specified."

CHARGE III.—"Assault with intent to kill."

Specification.—"In that on or about the 15th day of November, 1899, then, as now, a time of insurrection, at or near the barrio of San Carlos, pueblo of San Carlos, Province of Pangasinan, island of Luzon, Philippine Islands, a place then, as now, in the theater of active operations, Deogracias Doria and Roque Doria, natives, and each of them, in company of and consorting with, a band of outlaws, armed with rifles and bolos, the said band consisting of eighteen (18) men, more or less, did, each and both of them, acting in concert with the said band of outlaws, wilfully and feloniously and with malice aforethought attempt to kill and murder one Marcello Fernandez, native, a policeman of the pueblo of Aguilar, in the said Province of Pangasinan, by shooting at him with rifles and cutting him severely with a bolo or other sharp instrument held in the hands of the said Deogracias Doria, Roque Doria, and other members of the said band of outlaws, the said band of outlaws, having first seized, bound, and blindfolded the aforesaid Marcello Fernandez, and taken him by force from the house in or near the said barrio of San Carlos, to a point in or near the said barrio, on the bank of the River Agno, and thereafter inflicting on the person of the said Marcello Fernandez a severe wound, as aforesaid, did throw him into the said River Agno, with the intention of making sure of the death of the said Marcello Fernandez. This at the time and place above specified."

PLEAS.—"Not guilty."

FINDINGS.—Of the specification, first charge, "guilty, except of the words 'San Carlos,' substituting therefor the word 'Matabuey,' and except of the words 'San Carlos' whenever they appear again in the specification, substituting therefor in each case the word 'Aguilar,' and except of the word 'Agno,' substituting therefor the word 'Matabuey,' of the excepted words not guilty, of the substituted words guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty, except of the words 'San Carlos,' substituting therefor the word 'Matabuey,' and except of the words 'San Carlos' whenever they occur again in the specification, substituting therefor in each case the word 'Aguilar,' and except of the word 'Agno,' substituting therefor the word 'Matabuey,' of the excepted words not guilty, of the substituted words guilty." Of the second charge, "guilty." Of the specification, third charge, "guilty, except of the words 'San Carlos,' substituting therefor the word 'Matabuey,' and except of the words 'San Carlos,' whenever they occur again in the specification, substituting therefor, in each case, the word 'Aguilar,' and except of the word 'Agno,' substituting the word 'Matabuey,' of the excepted words not guilty, of the substituted words guilty." Of the third charge, "guilty."

SENTENCE.—And the commission does therefor sentence them, Deogracias Doria and Roque Doria, natives, and each of them, "to be confined at hard labor at such place as the reviewing authority may direct for the term of their natural lives."

In the foregoing case it appears that these accused, Deogracias Doria and Roque Doria, in company of an armed band of outlaws, seized, bound, and conveyed to an isolated spot on the banks of the Matabuey River, four native policemen, three of whom they shot and boloed to death and threw into the river. The fourth was boloed, but not fatally, and also thrown into the river. Subsequently he escaped and appears as a witness herein for the prosecution.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 30, 1901.

General Orders, No. 245.

Before a military commission which convened at the city of Manila, P. I., pursuant to paragraph 4, Special Orders, No. 23, Headquarters Provost-Marshal-General (Separate Brigade, Provost Guard), January 30, 1901, and of which Major William

H. Bishop, Thirty-sixth Infantry, United States Volunteers, was president and Captain Warren H. Ickis, Thirty-sixth Infantry, United States Volunteers, was judge-advocate, was arraigned and tried Servando de la Cruz, a native.

CHARGE.—“Murder.”

Specification.—“In that they, Servando de la Cruz and Raymundo Borje, alias Domingo Banje, natives, on or about the 31st day of January, 1901, a time then as now of insurrection against the United States, at Manila, Luzon, P. I., a place then as now under the military authority of the United States, did feloniously and of their malice aforethought, and of the malice aforethought of each of them, together with one Tomas Leda, make an assault on one Francisco Manuel, and with certain knives and daggers, one of which each the said Servando de la Cruz, Raymundo Borje, alias Domingo Bauje and Tomas Leda then and there had and held in his hand, and did feloniously and of their malice aforethought, and of the malice aforethought of each of them, strike, stab, thrust, cut at, upon and into the said Francisco Manuel, inflicting on the said Francisco Manuel, in the abdomen of the said Francisco Manuel one mortal wound, of which said mortal wound the said Francisco Manuel thence continually languished until about one hour thereafter, on the 31st day of January, 1901, he there died; against the peace and dignity of the State.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Servando de la Cruz, a native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case it appears that this accused, Servando de la Cruz, in company of two companions (one since deceased and the other not apprehended), on or about January 31, 1901, at Manila, P. I., repaired to the house of deceased, Francisco Manuel, and forcibly seized his sister-in-law, with the presumptive intention of abducting her. Her cries for assistance brought deceased, his wife and brother-in-law to the rescue, and in the fracas which followed, deceased was mortally stabbed with a dagger and his wife and brother-in-law seriously wounded.

Four eye-witnesses testify that the accused struck the fatal blow, but even if this were not so, his connection with the perpetrators of the crime, combined together for the commission of the felony would, in law, constitute accused a principal in any crime incidental to the common felonious purpose.

The sentence, approved by the convening authority, is confirmed, but in accordance with his recommendation, is commuted to imprisonment at hard labor for the term of the natural life of the accused, Servando de la Cruz. The Presidio de Manila is designated as the place of execution of this sentence, to which prison Servando de la Cruz will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES.

Manila, P. I., September 2, 1901.

General Orders, No. 246.

Before a military commission, which convened at San Fernando de la Union, pursuant to paragraph 9, Special Orders, No. 143, Headquarters Department of Northern Luzon, May 25, 1901, and of which Lieut. Col. Samuel M. Swigert, Thirteenth United States Cavalry, was president, and Capt. Edward Sigerfoos, Fifth United States Infantry, was judge-advocate, was arraigned and tried Aniceta Angeles, a native.

CHARGE.—“Murder, in violation of the laws of war.”

Specification.—“In this that he, Aniceta Angeles, leader of a band of insurrectos in the province of Union, did willfully, feloniously, and with malice aforethought order and direct one Canuto Basa, a soldier of his band, to kill and murder Faustino Ressorrecion, a peaceful native of Namacpacan, Union Province, which order was obeyed, and in consequence thereof the said Faustino Ressorrecion was killed by a bayonet thrust, the bayonet being held in the hands of the said Canuto Basa, whereby wounds were inflicted whereof the said Ressorrecion then and there died. This at or near Cagoonan, a rancharia of Alilem, territory in the active theater of military operations, in the month of February, 1900, a time of insurrection.”

PLEA.—To the specification, “guilty, excepting the words ‘willfully, feloniously, and with malice aforethought,’ and the words ‘and murder,’ to the excepted words not guilty.” To the charge, “not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Aniceta Angeles, native, “to be bung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that this accused, Aniceta Angeles, native, a leader of a band of insurgents, ordered and caused to be murdered with bayonets one Faustino Ressurrecion, a peaceful native of Namacpacan, Union Province, on the alleged suspicion that the victim acted as a spy of the Americans. No reasonable doubt as to the guilt of accused arises from the record, and his own admissions on the stand fully establish his criminal responsibility for the deed charged. The victim was in no sense a spy, was kidnaped within the American lines, and murdered without a trial or hearing.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Bangar, province of Union, Luzon, P. I., on the 18th day of October, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 2, 1901.

General Orders, No. 247.

Before a military commission, which convened at San Fernando de la Union, P. I., pursuant to paragraph 9, Special Orders, No. 143, Headquarters Department of Northern Luzon, June 15, 1901, and of which Lieut. Col. Samuel M. Swigert, Thirteenth United States Cavalry, was president, and Capt. Edward Sigerfoos, Fifth United States Infantry, was judge-advocate, were arraigned and tried Tomas Torres, Fermin Directo, Timoteo Viloria, natives.

CHARGE.—“Murder.”

Specification.—“In that Tomas Torres, Fermin Directo, Timoteo Viloria, all natives, and each of them did willfully, feloniously, and with malice aforethought kill and murder one Mariano Peralta, native, by cutting the throat of the said Mariano Peralta with a knife or other sharp instrument in the hands of the said Torres, Directo, and Viloria, inflicting wounds from which the said Mariano Peralta did then and there die. This on or about the 14th day of May, 1900, in a time of insurrection and in a place occupied by the military forces of the United States, viz, in the barrio of Pacpaco, pueblo of Balaoan, province of Union, P. I.”

PLEA.—“Not guilty.”

FINDINGS.—Timoteo Viloria, “not guilty.” Tomas Torres and Fermin Directo, of the specification, “guilty, except the words, ‘Timoteo Viloria, Directo, and Viloria,’ of the excepted words, not guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore acquit Timoteo Viloria, and sentence Tomas Torres and Fermin Directo and each of them, “to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that Tomas Torres and Fermin Directo, two of the accused, in company of other armed outlaws, sequestered and conveyed to an isolated spot one Mariano Peralta, who was friendly to the Americans. There the victim was murdered by a blow in the head with a palma brava club and his throat cut with a knife, both of the said accused participating in the consummation of the crime. The accused Timoteo Viloria is not shown to have been connected with the crime.

The sentence against accused, Tomas Torres and Fermin Directo, approved by the department commander, is confirmed, and will be duly executed as against each of them at Bangar, province of Union, Luzon, P. I., on the 18th day of October, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 2, 1901.

General Orders, No. 248. *

Before a military commission which convened at Manila, P. I., pursuant to paragraph 8, Special Orders, No. 170, Headquarters Department of Southern Luzon, June 19, 1901, and of which Lieut. Col. Allen Smith, First United States Cavalry, was president and Capt. Palmer E. Pierce, Thirteenth United States Infantry, was judge-advocate, was arraigned and tried: Perfecto Flores, a native.

CHARGE I.—“Murder.”

Specification.—“In that a band of outlaws, of the number of ten (10), more or less, whose names are unknown, at or near Pasay, Luzon, P. I., a place then, as now, under the military government of the United States, on or about the 3d day of October, 1900, a time then, as now, of insurrection against the United States, did wilfully, feloniously, and with malice aforethought, kill and murder one Marcelo Blas, a native, by striking him, the said Marcelo Blas, with dangerous, sharp-edged weapons, the exact description of which are unknown, then and there had and held in the hands of the members of the said band, inflicting wounds therewith on the person of the said Marcelo Blas, whereof he, the said Marcelo Blas, then and there died; and that he, Perfecto Flores, a native, then and there at the commission of the said felony, feloniously was present aiding and abetting the said band of armed outlaws to do and commit the felony and murder aforesaid.”

CHARGE II.—“Kidnapping.”

Specification.—“In that he, Perfecto Flores, a native, at or near Pasay, Luzon, P. I., a place then, as now, under the military government of the United States, on or about the 3d day of October, 1900, a time then, as now, of insurrection against the United States, in company and consorting with a band of armed outlaws, to the number of ten (10), more or less, whose names are unknown, did forcibly and feloniously seize, bind, and carry away, against his will, one Domingo Tancio, a native.”

CHARGE III.—“Guerrilla warfare in violation of the laws of war.”

Specification.—“In that he, Perfecto Flores, a native, at or near Pasay, Luzon, P. I., a place then, as now, under the military government of the United States, at various times during the year 1900, a time and times, then as now, of insurrection against the United States, ununiformed and in company and consorting with a band of armed, ununiformed outlaws, to the number of ten (10), more or less, whose names are unknown, did resist and defy the lawful authority of the United States and engage in expeditions directed against the said authority and against peaceful natives, friendly to the United States; on one of said expeditions, on or about the 3d day of October, 1900, one such friendly native, Marcelo Blas, was killed and murdered, and another such friendly native, Domingo Tancio, was seized, bound, and carried away against his will by the said band.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Perfecto Flores, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Perfecto Flores, native, it appears by the evidence that the accused was one of a band of men wearing ordinary dress, who lay in wait for the two tailors who were working for the soldiers of Pasay Cavalry Barracks, and seizing them as they were going home in the evening from their day's work, killed deceased and took the other, Domingo Tancio, captive, in the manner and form as charged. It also appears from the documentary evidence filed in the case that these crimes were committed in compliance with orders received from insurgent chiefs. The sole case of offense appears to have grown out of the fact that their victims were earning a livelihood by taking service as tailors for the American soldiers. The wanton killing of a peaceful man the dullest intelligence can comprehend is not war, but must in truth be characterized as the most cowardly form of murder. Such murder disgraces any cause in the name of which it is done, and marks all who engage in it, from the chief giving the order to the follower who executes it, as assassins, dangerous to friend and foe alike, and rightly classes them under the laws of war as enemies of mankind. Upon all such offenders the best good of humanity demands that the law shall take its course.

The sentence, approved by the department commander, is confirmed and will be duly executed at the city of Manila, Luzon, P. I., on the twenty-seventh (27th) day of September, A. D. 1901, under the direction of the commanding officer, post of Manila.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 2, 1901.

General Orders, No. 249.

Before a military commission which convened at the pueblo of Tayabas, province of Tayabas, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 58, Headquarters Department of Southern Luzon, February 27, 1901, and of which Capt. Lawrence J. Hearn, Twenty-first United States Infantry, was president, and Second Lieut. Edwin A. Hickman, First United States Cavalry, was judge-advocate, were arraigned and tried Leoncio Macalaguin, Leoncio Tabordan, Ananias Avillanosa, Pascual Tabordan, and Laureano Palmadres, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Leoncio Macalaguin, Leoncio Tabordan, Ananias Abillanosa, Pascual Tabordan, and Laureano Palmadres, natives, and each of them, on or about the 8th day of February, 1901, then, as now, a time of insurrection, at or near the barrio of Bocal of the pueblo of Tayabas, Tayabas Province, P. I., a place then as now within the theater of active military operations by United States forces, in company with other armed outlaws, did each willfully, feloniously, and with malice aforethought, torture with the extreme cruelty by burning one Tomas Ragudo, for the purpose of robbery, in the house of the said Tomas Ragudo, so that the said Tomas Ragudo died from the effects of said burning, after suffering and lingering until the night of February 13, 1901. This at the time and place above specified.”

PLEAS.—“Not guilty.”

FINDINGS.—Leoncio Macalaguin and Leoncio Tabordan, “guilty.” Ananias Abillanosa, Pascual Tabordan, and Laureano Palmadres, of the specification, “guilty, except the word ‘burning,’ but guilty of being accessory to the fact; of the excepted word, not guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Leoncio Tabordan and Leoncio Macalaguin, natives, and each of them, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring in this sentence.” Ananias Abillanosa, Pascual Tabordan, and Laureano Palmadres, natives, and each of them, “to be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life.”

In the foregoing case it appears that these accused, Leoncio Macalaguin, Leoncio Tabordan, Ananias Abillanosa, Pascual Tabordan, and Laureano Palmadres, natives, in company of an armed band of robbers, entered the house of one Tomas Ragudo, first siezed, bound, and hung up by a rope his son, then finding the father and mother, tied their elbows behind their backs and hung them to a rafter in their house. They then demanded money from Tomas Ragudo, and unsatisfied with the amount he yielded up, proceeded to wrap rags saturated with oil about his feet and legs and set them afire. From a half hour to two hours the torture was continued, accompanied with blows from butts of rifles, flats of bolos, and fists, and the young daughter of the victim was struck down by a blow from a bolo over the head. For five days the victim lingered in agony from the effects of his burns and then died.

It is difficult to believe that human depravity and degeneracy can sink to such depths as shown in this fiendish deed, and still more difficult to find a reason for discrimination of sentence between any of these accused.

The sentence is confirmed and will be duly executed in the cases of accused, Leoncio Macalaguin and Leoncio Tabordan, at Lucena, province of Tayabas, Luzon, P. I., on the eleventh (11th) day of October, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

In the cases of these accused Ananias Abillanosa, Pascual Tabordan, and Laureano Palmadres, their sentence will be duly executed at the presidio de Manila, to which place they will be sent under proper guard.

By command of Major-General Chaffee.

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 5, 1901.

General Orders, No. 250.

I. Before a military commission which convened at Bautista, province of Pangasinan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 34, Headquarters Department of Northern Luzon, February 5, 1901, and of which Capt. John H. H. Peshine, 13th U. S. Infantry, was president, and Second Lieut. Sylvester Bonnaffon,

13th U. S. Infantry, was judge-advocate, were arraigned and tried Matias Alipio and Matias Cagampan, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Matias Alipio and Matias Cagampan, natives, and each of them, on or about January 4, 1900, a time, then as now, of insurrection against the United States, at or near the barrio of Bulanci, of the pueblo of Mangatarem, Pangasinan, Luzon, P. I., a place then as now, within the theater of military operations of the United States forces, in company of and consorting with a band of armed outlaws, did, willfully, feloniously, and with malice aforethought, murder and kill Eulogio de los Angeles, native, by striking and cutting the said Eulogio de los Angeles, with a bolo held in the hand of said Matias Alipio, inflicting wounds whereof the said Eulogio de los Angeles then and there died. This at the time and place above specified.”

PLEAS.—“Not guilty.”

FINDINGS.—Of the specification, “guilty, excepting the words ‘with a bolo held in the hand of said Matias Alipio,’ substituting therefor the words ‘with a bolo held in the hand of said Matias Cagampan’ and of the excepted words, not guilty, and of the substituted words, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, the said Matias Alipio and Matias Cagampan, natives, and each of them, “to be hanged by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case, it appears that these accused, Matias Alipio and Matias Cagampan, consorting with other outlaws, seized, bound, and conveyed to a cocoanut grove near Mangatarem, Pangasinan, one Eulogio de los Angeles, and there murdered him with bolos.

No reasonable doubt as to the guilt of these accused arises from the evidence, and no mitigating circumstances appears of record.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Mangatarem, Pangasinan, Luzon, P. I., on the eleventh (11th) day of October, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

II. Before a military commission which convened at Lingayen, Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 154, Headquarters Department of Northern Luzon, June 6, 1901, and of which Maj. Charles A. Williams, 17th U. S. Infantry, was president, and First Lieut. Arthur Cranston, 17th U. S. Infantry, was judge-advocate, were arraigned and tried Catalino Vergara and Matias Alipio, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Catalino Vergara and Matias Alipio, natives, and each of them, on or about May 10, 1900, a time then as now of insurrection against the United States, in or near the barrio of Durongan of the pueblo of Mangatarem, Pangasinan, Luzon, P. I., a place, then as now, within the military jurisdiction of the United States, consorting with a band of six (6), more or less, armed outlaws, commanded in person by said Matias Alipio and indirectly by said Catalino Vergara, did willfully, feloniously, and with malice aforethought, kill and murder one Josefa Pacina, native woman, and Inocencio Apair alias Dungdungi, native, by then and there striking and cutting the said Josefa Pacina and Inocencio Apair alias Dungdungi, with bolos and talibones, held in the hands of the said Matias Alipio and other members of said band, inflicting bodily wounds upon the said Josefa Pacina and Inocencio Apair alias Dungdungi, from the effects of which wounds the said Josefa Pacina and Inocencio Apair alias Dungdungi then and there died. This at the time and place above specified.”

PLEAS.—“Not guilty.”

FINDINGS.—Catalino Vergara, “not guilty.” Matias Alipio, “guilty.”

SENTENCE.—And the commission does therefore acquit the said Catalino Vergara, and sentence the said Matias Alipio, native, “to be hanged by the neck until dead, at such place and time as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that the accused, Matias Alipio, in company of an armed band of outlaws, of which he was leader, brutally murdered with talibones, a native woman and a peaceable man. No doubt as to his guilt arises from the record.

The accused, Matias Alipio, being already under sentence of death for other crimes, the execution of the sentence herein, which is confirmed, is indefinitely stayed.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 5, 1901.

General Orders, No. 251.

Before a military commission which convened at Lingayen, Pangasinan, P. I., pursuant to paragraph 7, Special Orders, No. 97, Headquarters Department of Northern Luzon, April 9, 1901, and of which Maj. Daniel H. Brush, Twenty-fifth United States Infantry, was president, and Second Lieut. John R. Thomas, jr., Seventeenth United States Infantry, was judge-advocate, were arraigned and tried Rafael Garcia, Matias Payas, Pedro Liglican, and Matias Blanco, natives.

CHARGE I.—“Kidnaping.”

Specification.—“In that Rafael Garcia, Matias Payas, Pedro Liglican, and Matias Blanco, natives, and each of them, on or about October 16, 1900, a time then, as now, of insurrection against the lawful authority of the United States, did forcibly and against their will and consent lay hold of and carry away from their homes other natives to the number of three, viz: Alejo Almandez, Eulogio (Lucio) Miranda, and Julian Brilliante. This in or near the pueblo of Aliminos and the barrio of Namangbangan, of Alaminos, province of Zambales, Luzon, P. I., places then, as now, under the military authority of the United States, at the time above specified.”

CHARGE II.—“Murder.”

Specification.—In that Rafael Garcia, Matias Payas, Pedro Liglican, and Matias Blanco, natives, and each of them, on or about the 16th day of October, 1900, then, as now, a time of insurrection against the lawful authority of the United States, being armed with revolvers and bolos, did willfully and of malice aforethought kill and murder one Julian Brilliante, a peaceable native, by inflicting wounds with a bolo or bolos held in the hands of one or more of the said Rafael Garcia, Matias Payas, Pedro Liglican, and Matias Blanco, whereof the said Julian Brilliante did then and there die. This at or near the barrio of Namangbangan, Alaminos, province of Zambales, Luzon, P. I., a place then, as now, under the military authority of the United States, at the time above specified.

PLEAS.—To the first specification, first charge, “Guilty, with the exception of the words ‘Alejo Almandez.’” To the first charge, “Guilty.” To the specification, second charge, Rafael Garcia and Matias Blanco: “Guilty, with the exception of the words ‘wounds with a bolo or bolos,’ of the excepted words not guilty, substituting therefor the words ‘blows with a club held in the hand of Matias Blanco,’ and excepting the words ‘Rafael Garcia, Matias Payas, Pedro Liglican and’ of the excepted words, not guilty; of the substituted words, guilty.”

Matias Payas and Pedro Liglican, “Not guilty.” To the second charge, Rafael Garcia and Matias Blanco, “Guilty.”

Matias Payas and Pedro Liglican, “Not guilty.”

FINDINGS.—Of the specification, first charge, “Guilty, except of the word ‘three,’ substituting therefor the word ‘two,’ and except of the words ‘Alejo Almandez’ of the excepted words, not guilty, and of the substituted word, guilty.” Of the first charge, “Guilty.” Of the specification, second charge, Rafael Garcia and Matias Blanco, “Guilty, except of the words ‘and bolos,’ and except of the words ‘bolo or bolos,’ substituting therefor the word ‘club,’ and except of the words ‘one or more of the said Rafael Garcia, Matias Payas, Pedro Liglican, and’ of the excepted words, not guilty, and of the substituted word, guilty.” Matias Payas and Pedro Liglican, “Not guilty.” Of the second charge, Rafael Garcia and Matias Blanco, “Guilty.”

Matias Payas and Pedro Liglican, “Not guilty.”

SENTENCE.—And the commission does therefore sentence them, Rafael Garcia and Matias Blanco, natives, and each of them, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein,” and Matias Payas and Pedro Liglican, natives, and each of them, “To be confined at hard labor at such place as the reviewing authority may direct for the period of five years.”

In the foregoing case it appears that these accused, Rafael Garcia, Matias Payas, Pedro Liglican, and Matias Blanco, under the direct leadership of accused Garcia, who himself claims to have acted under the orders of his chief Ramon Manalang, forcibly kidnapped from their homes in the pueblo of Alaminos, Zambales, Alejo Almandez, Eulogio (Lucio) Miranda, and Julian Brilliante, and that the last named was killed with a club by accused Blanco by order of accused Garcia.

All of the accused confess in open court their respective parts in the commission of these crimes.

The sentence, approved by the department commander, is confirmed, but in accordance with his recommendations is commuted as to Rafael Garcia and Matias Blanco, to imprisonment at hard labor for the term of the natural life of each of them. As thus commuted their sentences, as well as the sentence of Pedro Liglican and Matias

Payas, will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 5, 1901.

General Orders, No. 252.

Before a military commission which convened at Echague, Province of Isabela, Luzon, P. I., pursuant to paragraph 12, Special Orders, No. 121, Headquarters Department of Northern Luzon, May 3, 1901, and of which Capt. George E. French, 16th U. S. Infantry, was president, and Second Lieut. Charles L. McKain, 16th U. S. Infantry, was judge-advocate, was arraigned and tried: Guillermo Castillo, a native.

CHARGE.—“Murder, in violation of the laws of war.”

Specification.—“In that Guillermo Castillo, native Filipino, did, on or about August 28, 1900, near the barrio of Malapot, pueblo of Cordon, Province of Isabela, Northern Luzon, P. I., in company of and consorting with a band of armed outlaws, names and number unknown, in time of insurrection against the United States and in territory occupied by United States troops, wilfully, feloniously, and with malice aforethought, kill and murder Benito Bernal, native lieutenant of the municipal police of Cordon, established by the United States, by cutting and stabbing him with bolos held in the hands of said band, inflicting wounds whereof the said Bernal then and there died. This at the time and place above specified.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does, therefore, sentence him, Guillermo Castillo, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case it appears that this accused Guillermo Castillo, in company of another, was discovered in the act of murdering Benito Bernal, lieutenant of native police of Cordon, organized by the United States Government. Full proof of his guilt appears of record and no mitigating circumstance suggests modification of the conclusion of the commission.

The sentence, approved by the department commander, is confirmed and will be duly executed at Echague, Isabela, Luzon, P. I., on the 25th day of October, A. D. 1901, under the direction of the commanding general, department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 5, 1901.

General Orders, No. 253.

Before a military commission which convened at Pozorrubio, Pangasinan, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 159, Headquarters Department of Northern Luzon, June 11, 1901, and of which Capt. James B. Goe, 13th U. S. Infantry, was president and First Lieut. Alexander M. Weatherill, 13th U. S. Infantry, was judge-advocate, were arraigned and tried Hilario Buscaina and Catalino Belmodes, natives.

CHARGE I.—“Kidnaping.”

Specification.—“In that they, Hilario Buscaina and Catalino Belmodes, natives, and each of them, in company of and consorting with a band of outlaws, ten (10), more or less, in number, and armed with bolos, did forcibly seize, bind, and carry away from his house, against his will, one Felix Fernandez, native. This at Manaoag, Pangasinan, Luzon, P. I., on or about the 2d day of January, 1900, a time and place then, as now, in insurrection against the United States Government and under the military authority of the United States.”

CHARGE II.—“Murder.”

Specification.—“In that Hilario Buscaina and Catalino Belmodes, natives, and each of them, in company of and consorting with a band of outlaws ten (10), more or less, in number, and armed with bolos, did wilfully, feloniously, and with malice aforethought, kill and murder Felix Fernandez, native, by cutting and stabbing him, the

said Felix Fernandez, with bolos held in the hands of said outlaws, inflicting wounds therewith whereof he, Felix Fernandez, then and there died. This at Manaoag, Pangasinan, Luzon, P. I., on or about the 2d day of January, 1900, a time and place then, as now, in insurrection against the United States Government and under the military authority of the United States."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Hilario Buscaina and Catalino Belmodes, natives, and each of them "To be confined at hard labor, at such place as the reviewing authority may direct, for a period of twenty (20) years."

In the foregoing case it appears that these accused, Hilario Buscaina and Catalino Belmodes, in company of an armed band, forcibly seized in his house, bound, and carried away one, Felix Fernandez, at Manaoag, Pangasinan, about January 2, 1900. Three days later the beheaded trunk of deceased, bound as when last seen in life, was found in the vicinity.

The inferential though convincing evidence as to the participation of these accused in this barbarous murder suggests a more severe penalty than that imposed by the commission.

Though deemed inadequate, the sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 7, 1901.

General Orders, No. 257.

Before a military commission which convened at Lingayen, Pangasinan, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 193, Headquarters Department of Northern Luzon, July 16, 1901, and of which Maj. Charles A. Williams, Seventeenth United States Infantry, was president and First Lieut. Arthur Cranston, Seventeenth United States Infantry, was judge-advocate, was arraigned and tried Eugenio Ordon, a native.

CHARGE I.—"Kidnaping."

Specification.—"In that he, Eugenio Ordon, native, in company of and consorting with armed men, ten, more or less, in number, did feloniously seize, bind, and forcibly conduct away from his home, against his will, one Domingo Frias. This at or near the sitio of Bocboc, pueblo of Aguilar, province of Pangasinan, P. I., a place then, as now, in the theater of military operations and under the military authority of the United States, during the month of December, 1899, a time then, as now, of insurrection against the United States."

CHARGE II.—"Forcible abduction."

Specification.—"In that he, Eugenio Ordon, native, in company of and consorting with armed men, ten, more or less, in number, did feloniously, forcibly, and against her will, seize and conduct away from her home one Hermenegilda Sacareas, native woman, and her child, name unknown. This at or near the sitio of Bocboc, pueblo of Aguilar, province of Pangasinan, P. I., a place then, as now, in the theater of military operations and under the military authority of the United States, during the month of December, 1899, a time then, as now, of insurrection against the United States."

CHARGE III.—"Murder."

Specification.—"In that he, Eugenio Ordon, native, in company of and consorting with armed men, ten, more or less, in number, did willfully, feloniously, and with malice aforethought, kill and murder one Domingo Frias, native, by shooting him with a rifle held in the hands of the said Eugenio Ordon, inflicting wounds therewith whereof the said Frias then and there died. This at or near the barrio of Bani, pueblo of San Carlos, province of Pangasinan, P. I., a place then, as now, in the theater of military operations and under the military authority of the United States, during the month of December, 1899 a time then, as now, of insurrection against the United States."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, the said Eugenio Ordon, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life."

In the foregoing case it appears that this accused, Eugenio Ordon, in company of an armed band of outlaws, forcibly kidnaped from his house at Bocboc, Aguilar, Pangasinan, one Domingo Frias, abducted his wife, Hermenegilda Sacareas, and a child, and subsequently killed said Frias with a rifle shot, discharged by accused.

The sentence, approved by the department commander, is confirmed, his remark that the sentence is deemed inadequate being fully concurred in.

The sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 7, 1901.

General orders, No. 258.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 1, Special Orders, No. 236, Headquarters Provost-Marshal-General (Separate Brigade, Provost Guard), December 13, 1900, and of which Col. William S. McCaskey, 20th U. S. Infantry, was president and Second Lieut. C. Stuart Patterson, 6th U. S. Artillery was judge-advocate, was arraigned and tried Mariano Barrado, a native.

CHARGE.—“Murder.”

Specification.—“In that Mariano Barrado, native, on or about November 27, 1900, then as now, a time of insurrection, in the city of Manila, a place then, as now, under the military government of the United States, willfully, feloniously and with malice aforethought, did kill and murder one Anastasio Alvarado, native, by stabbing him with a knife, in the hands of him, the said Mariano Barrado, then and there had and held, inflicting thereby wounds whereof he, the said Anastasio Alvarado, died on or about December 1, 1900.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Mariano Barrado, native, “To be hanged by the neck until he shall be dead, at such time and place as the reviewing authority may direct two-thirds of the members of the commission concurring.”

In the foregoing case, it appears that this accused, Mariano Barrado, about November 27, 1900, in the city of Manila, stabbed with a knife, in the abdomen, one Anastasio Alvarado, from the effects of which the latter died about December 1, 1900, at the San Juan de Dios Hospital, Manila.

The deed appears to have been committed in the heat of an altercation with a minor degree of premeditation.

The sentence, approved by the convening authority, is confirmed, but in accordance with his recommendation is commuted to imprisonment at hard labor for the period of the natural life of the accused. The sentence, as thus commuted, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By Command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 7, 1901.

General Orders No. 259.

Before a military commission which convened at Biñan, Laguna, Luzon, P. I., pursuant to paragraph 12, Special Orders, No. 180, Headquarters Department of Southern Luzon, June 29, 1901, and of which Major Henry C. Danes, Artillery Corps, U. S. A., was president and 2d Lieutenant Ernest E. Allen, Artillery Corps, U. S. A., was judge-advocate, was arraigned and tried: Eulogio Alomia, alias Toyo, a native.

CHARGE I.—“Kidnapping.”

Specification.—“In that he Eulogio Alomia, alias Toyo, native, did, in the pueblo of Biñan, Province of Laguna, Luzon, P. I., then as now, occupied by United States troops, at a time, then as now, of insurrection, in company with other natives, unlawfully, by force and with intent to do bodily harm, kidnap and carry away Mateo Carabo, native. This in the pueblo of Biñan, Laguna Province, on or about July 8, 1900.”

CHARGE II.—“Murder.”

Specification.—“In that he, Eulogio Alomia, alias Toyo, native, on or about July 8, 1900, then as now, a time of insurrection, at or near Biñan, Province of Laguna, Luzon, P. I., a place then, as now, under the military government of the United States, did wilfully, feloniously, and with malice aforethought, kill and murder one Mateo Carabo, native, by stabbing him, the said Mateo Carabo, inflicting thereby wounds whereof he, the said Mateo Carabo, then and there died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Eulogio Alomia, alias Toyo, native, “To confinement at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years.”

In the foregoing case it appears that this accused, Eulogio Alomia, alias Toyo, at the pueblo of Biñan, Province of Laguna, P. I., about July 8, 1900, kidnapped from his house one Mateo Carabo, and thereafter killed him with a dagger. It further appears that accused was one of the official executioners appointed by and acting under the orders of Lieut. Col. Eustacio Castelltor, but the crime was not committed in the immediate presence of said Castelltor and it does not appear that accused had not ample opportunity to avoid obedience to this illegal order and seek protection from the American authorities.

As illustrative of the methods pursued by his superior officers, the following quotation is taken from a written confession of the accused, made in the presence of witnesses, prior to his trial and admitted by him on his trial to be true and correct: “I carried a letter of authorization * * * to act as a special agent, which means authority to commit murder. Each time a murder was ordered, a letter was sent to one of (above named) four men, by one of the chiefs, (naming them). Afterwards the letter was taken up and burned * * *. If a man did not pay his contribution to the insurgent collector he was ordered to be killed.” This confession is so in line with numberless well established cases that its substantial truth may be accepted with little doubt.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By Command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September, 9, 1901.

General Orders, No. 261.

Before a military commission, which convened at Manila, P. I., pursuant to paragraph 13, Special Orders, No. 101, Headquarters Department of Southern Luzon, April 11, 1901, and of which Major George C. Greenough, Artillery Corps, was president, and Captain Palmer E. Pierce, 8th U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Ciriaco Rivilleza, a native.

CHARGE.—“Murder.”

Specification.—“That Ciraco Rivilleza, a Filipino, in company of and consorting with a band of outlaws, to the number of four, more or less, armed with guns and bolos, did wilfully, feloniously and with malice aforethought, murder and kill one Marcelo Gasal, a native policeman of the pueblo of Los Baños, Province of Laguna de Bay, Luzon, P. I., a place then as now under the military occupation and government of the United States, by cutting the said Marcelo Gasal with a bolo held in the hands of the said Ciriaco Rivilleza and of his companions, to the number of four, more or less, inflicting wounds therewith whereof the said Marcelo Gasal then and there died. This in time of insurrection against the lawful authority of the United States, in or near the barrio of San Antonio, pueblo of Los Baños, Province of Laguna de Bay, Luzon, P. I., on or about the 18th day of March, 1900.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, “guilty, except the words ‘guns and’; of the excepted words not guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Ciriaco Rivilleza, native, “To be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

II. Mariano Belarmino, a native.

CHARGE I.—“Murder.”

Specification.—“That on or about March 18, 1900, then as now a time of insurrection, in the barrio of San Antonio, pueblo of Los Baños, Province of Laguna de Bay, Luzon, P. I., a place then, as now, under the military occupation and government of the United States, one Mariano Belarmino, a Filipino and a resident of the said Province of Laguna de Bay, in company of and consorting with other natives, to the number of four, more or less, armed with guns and bolos, did feloniously, wilfully and with malice aforethought, kill one Marcelo Gasal, a native policeman of the aforesaid pueblo of Los Baños, P. I., by cutting the said Marcelo Gasal, with a bolo held in the hands of the said Mariana Belarmino, and of his companions, to the number of four, more or less, then and there inflicting upon the said Marcelo Gasal, wounds and cuts by reason of which the said Marcelo Gasal, then and there died.”

CHARGE II.—“Larceny.”

Specification.—“That on or about April 29, 1901, a time of insurrection, then as now, against the lawful authority of the United States, at the barrio of Maajas, Municipio of Los Baños, Province of Laguna de Bay, Luzon, P. I., a place, then, as now, in the theater of active military operations, one Mariano Belarmino, a Filipino, did take, steal, and remove one horse, valued at \$40.00 Mexican, the property of one Isaac Lapitan, a native resident of the aforesaid barrio of Maajas, Municipio of Los Baños, P. I., appropriating the said horse to his own use and benefit.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, 1st charge, “Guilty except the words ‘guns and’ and ‘held in the hands of the said Mariano Belarmino, and of his companions to the number of four more or less’, of the excepted words, not guilty.” Of the 1st charge, “guilty.” Of the specification, 2d charge, “guilty.” Of the 2d charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Mariano Belarmino, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing cases it appears that these accused, Ciriaco Rivilleza and Mariano Belarmino, in company of a band of outlaws, laid in ambush for the approach of a patrol of three native policemen, of whom deceased was one, and on the approach of this patrol sprang out and captured deceased, Marcelo Gasal. A few days afterwards the body of deceased was found in a neighboring river, weighted with a heavy rock and containing many wounds, one through the heart and one in the neck.

The evidence fully sustains the charges and specifications, and no reasonable doubt arises as to the guilt of these accused. The murder was a brutal one, and no mitigating circumstance appears of record.

The sentences, approved by the department commander, are confirmed, and will be duly executed as against Ciriaco Rivilleza and Mariano Belarmino, and each of them, at Manila, Luzon, P. I., on the eighteenth (18th) day of October, A. D. 1901, under the direction of the commanding officer, post of Manila.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 9, 1901.

General Orders, No. 263.

Before a military commission which convened at San Fernando, Union, Luzon, P. I., pursuant to paragraph 9, Special Orders, No. 143, Headquarters Department of Northern Luzon, May 25, 1901, and of which Lieutenant Colonel Samuel M. Swigert, 13th U. S. Cavalry, was president, and Captain Edward Sigerfoos, 5th U. S. Infantry, was judge-advocate, were arraigned and tried: Vicente Baldonade, Siriaco Ordinario, Nicolas Gumbua, Ygnacio Noses, Pedro Reyes, Ysabelo DeSesto, and Eusebio DeSesto, natives.

CHARGE.—“Murder.”

Specification.—“In that Vicente Baldonade, Siriaco Ordinario, Nicolas Gumbua, Ygnacio Noses, Ysabelo DeSesto, Pedro Reyes, and Eusebio DeSesto, natives, did wilfully, feloniously and with malice aforethought, kill and murder Eusebio Mon and Catalina Marica, wife of Eusebio Mon, natives, by cutting the throats of the said Eusebio Mon and Catalina Marica with a bolo or other sharp instrument, from which act the said Eusebio Mon and Catalina Marica did then and there die. This in time of insurrection, on or about the 26th day of May, 1900, and in a place occupied by

the military forces of the United States, to wit: in the barrio of Rising, district of Bangar, Province of Union, P. I."

PLEAS.—Pedro Reyes, "Not guilty." Vicente Baldonade, Siriaco Ordinario, Nicolas Gumbua, Ygnacio Noses, Ysabelo DeSesto, and Eusebio DeSesto, "to the specification, guilty, except the words, 'wilfully, feloniously, and with malice aforethought' and the words, 'and murder,' to the excepted words, not guilty." To the charge, "not guilty."

FINDINGS.—Of the specification, "Guilty, except the words, 'the throats of' of the excepted words, not guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence the said Vicente Baldonade, Siriaco Ordinario, Nicolas Gumbua, Ygnacio Noses, Ysabelo DeSesto, and Eusebio DeSesto, and each of them, "to be hung by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the members of the commission concurring therein," and the commission does sentence the said Pedro Reyes, "to be confined at hard labor at such place as the reviewing authority may designate for the period of his natural life."

In the foregoing case it appears that these accused, Vicente Baldonade, Ygnacio Noses, Siriaco Ordinario, Pedro Reyes, Nicolas Gumbua, Ysabelo DeSesto, and Eusebio DeSesto, composing an armed band of outlaws, forcibly seized an aged native, Eusebio Mon and his wife, Catalina Marica, and carried them off into the country.

The evidence as well as the admissions of some of these accused, show that the deceased were wantonly murdered because suspected of friendliness to the Americans.

The sentence, approved by the department commander, is confirmed, but in accordance with his recommendation is commuted as to Siriaco Ordinario, Nicolas Gumbua, Ygnacio Noses, Ysabelo DeSesto and Eusebio DeSesto, to imprisonment at hard labor for the period of the natural life of each of them, and as thus commuted will be duly executed, as also the sentence against Pedro Reyes, at the Presidio de Manila, to which they and each of them will be sent under proper guard.

The sentence as against the accused Vicente Baldonade, will be duly executed at Bangar, Province of Union, Luzon, P. I., on the 1st day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 9, 1901.

General Orders, No. 265.

Before a military commission which convened at Malabon, Province of Manila, P. I., pursuant to paragraph 5, Special Orders, No. 156, Headquarters Department of Northern Luzon, June 8, 1901, and of which Major William H. Cook, surgeon, U. S. Volunteers, was president, and First Lieut. Paul Giddings, battalion adjutant, 3rd U. S. Infantry, was judge-advocate, were arraigned and tried: Pio de Castro and Dionicio de la Cruz, natives.

CHARGE.—"Murder."

Specification.—"In that Pio de Castro and Dionicio de la Cruz, natives, and each of them, did, wilfully, feloniously, and with malice aforethought, kill and murder one Juan Salvador, native, sailor on the U. S. gunboat *Charleston*, by stabbing him with a dagger held in the hands of the said Pio de Castro, whereby wounds were inflicted whereof the said Juan Salvador then and there died; the said Dionicio de la Cruz being then and there present actively aiding and abetting the said Pio de Castro." "This at barrio Gatboca of Calumpit, P. I., in territory occupied by United States troops, on or about the 11th day of May, 1901, in time of insurrection."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, the said Pio de Castro and Dionicio de la Cruz, natives, and each of them, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case it appears that these accused, Dionicio de la Cruz and Pio de Castro, about May 11, 1901, at barrio Gatboca, Calumpit, seized, bound, and conveyed to the fields, one Juan Salvador, a native sailor of the U. S. gunboat *Charleston*. There, while the victim was held by De la Cruz, he was stabbed repeatedly in the stomach and abdomen by De Castro, who literally obeyed De la Cruz's order to "cut out the intestines of deceased."

Many eyewitnesses testify to the perpetration and details of this savage and revolting crime.

The sentence, approved by the department commander, is confirmed and will be duly executed against these accused, and each of them, at Calumpit, Province of Bulacan, Luzon, P. I., on the 25th day of October, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES.

Manila, P. I., September 9, 1901.

General Orders, No. 266.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 8, Special Orders, No. 170, Headquarters Department of Southern Luzon, June 19, 1901, and of which Lieut. Col. Allen Smith, 1st U. S. Cavalry, was president, and Capt. Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, were arraigned and tried:

I.—Roberto Villorente, native.

CHARGE.—“Murder.”

Specification.—“In that Roberto Villorente, a native, did feloniously, willfully, and with malice aforethought kill and murder Isidra Salud, a native woman, by shooting her in the leg with a shotgun loaded with buckshot and held in the hands of the said Roberto Villorente, from the effects of which the said Isidra Salud thereafter died on or about the 2d day of June, 1901. This in time of insurrection and in the town of Novaleta, province of Cavite, a place under the military government of the United States, on or about the 2d day of June, 1901.”

PLEA.—To the specification, “guilty, except of the words ‘feloniously, willfully, and with malice aforethought,’ and of the word ‘murder,’ substituting for the former words, ‘accidentally.’” To the charge, “not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Roberto Villorente, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case, it appears that this accused, Roberto Villorente, a native policeman at Novaleta, Cavite, Luzon, shot and killed with a shotgun loaded with buckshot a woman, Isidra Salud, to whom he had been paying attentions, which had been rejected. The killing, as charged, is fully established by direct evidence and the admission of accused, and the motive convincingly shown by inferential and by direct and conclusive testimony.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Manila, P. I., on the eighteenth (18th) day of October, A. D. 1901, under the direction of the commanding officer, post of Manila.

II.—Pio Orasco, alias Pio Arrosco, Francisco Raymondo, alias Sergeant Kiko, and Patricio San Augustin, natives.

CHARGE.—“Robbery.”

Specification.—“In that they, Pio Orasco, alias Pio Arrosco, Francisco Raymondo, alias Sergeant Kiko, and Patricio San Augustin, natives, and each of them, at Singalon, Manila, P. I., a place, then as now, under the military government of the United States, on or about the 21st day of September, 1899, a time, then as now, of insurrection against the lawful authority of the United States, in company and consorting with a band of armed outlaws, whose names are unknown, did feloniously put one Eleuteria Custodio in bodily fear and danger of her life, and twenty-seven dollars (\$27.00), Mexican currency, from and the property of the said Eleuteria Custodio did forcibly and feloniously take, steal, and carry away.”

CHARGE II.—“Kidnaping.”

Specification.—“In that they, Pio Orasco, alias Pio Arrosco, Francisco Raymondo, alias Sergeant Kiko, and Patricio San Augustin, natives, and each of them, at Singalon, Manila, P. I., a place, then as now, under the military government of the United States, on or about the 21st day of September, 1899, a time, then as now, of insurrection against the lawful authority of the United States, in company and consorting with a band of armed outlaws, whose names are unknown, did forcibly and feloniously seize, take, and carry away, against his will Inocencio Angjoco, alias Inocencio Ongjoco.”

CHARGE.—“Murder.”

Specification.—“In that they, Pio Orasco alias Pio Arrosco, Francisco Raymondo alias Sergeant Kiko, and Patricio San Augustin, natives, and each of them, at or near Singalon, Manila, P. I., a place then, as now, under the military government of the United States, on or about the 21st day of September, 1899, a time, then as now, of insurrection against the lawful authority of the United States, in company and consorting with a band of armed outlaws, whose names are unknown, did wilfully, feloniously, and with malice aforethought, kill and murder Inocencio Angjoco alias Inocencio Ongjoco, by striking him, and causing the said outlaws to strike him, the said Inocencio Angjoco alias Inocencio Ongjoco, with dangerous weapons, the description of which weapons is unknown, then and there had and held in the hands of them, the said Pio Orasco alias Pio Arrosco, Francisco Raymondo alias Sergeant Kiko, and Patricio San Augustin, and each of them, and in the hands of the said outlaws, respectively, inflicting wounds therewith upon the person of the said Inocencio Angjoco alias Inocencio Ongjoco, whereof he, the said Inocencio Angjoco alias Inocencio Ongjoco, then and there died.”

PLEAS.—“Not guilty.”

FINDINGS.—Pio Orasco alias Pio Arrosco and Francisco Raymondo alias Sergeant Kiko, and each of them, “guilty.” Patricio San Augustin, “not guilty.”

SENTENCE.—And the commission does, therefore, sentence them, Pio Orasco alias Pio Arrosco and Francisco Raymondo alias Sergeant Kiko, natives, and each of them, “to be hanged by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

And the commission does therefore “acquit” him, the said Patricio San Augustin, native.

In the foregoing case, it appears that these accused, Pio Orasco and Francisco Raymondo, in company of a band of armed outlaws, about September 21, 1899, at Singalon, Manila, surrounded the house of Inocencio Angjoco, seized, bound, and kidnaped him, beat and robbed his wife of \$27.00, and conveying the husband to an isolated spot, there stabbed and cut him to death.

The accused, Patricio San Augustin, has been released from confinement.

The sentence against Pio Orasco and Francisco Raymondo, approved by the department commander, is confirmed, and will be duly executed at Manila, P. I., on the eighteenth (18th) day of October, A. D. 1901, under the direction of the commanding officer, post of Manila.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 12, 1901.

General Orders, No. 273.

I. Before a military commission which convened at Manila, P. I., pursuant to paragraph 3. Special Orders, No. 103, Headquarters Provost-Marshal-General (Separate Brigade, Provost Guard), May 7, 1901, and of which Maj. Henry B. McCoy, 44th Infantry, U. S. Volunteers, was president and Captain Warren H. Ickis, 36th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried Maxemino Antiporda, native.

CHARGE.—“Murder.”

Specification.—“In that he, Maxemino Antiporda, a native, on or about the 16th day of September, 1900, a time, then as now, of insurrection against the lawful authority of the United States, at Manila, Luzon, P. I., a place, then as now, occupied by the troops of the United States, in company and consorting with Rafino de Guzman, alias Rufino de Guzman, alias Modesto Santos y Rosario, and other outlaws whose names are unknown, did willfully, feloniously, and with malice aforethought kill and murder a certain native, whose name is unknown, by striking him, the said certain native, with dangerous weapons, the exact description of which are unknown, then and there had and held in the hand of him, the said Maxemino Antiporda, and in the hands of the said Rafino de Guzman, alias Rufino de Guzman, alias Modesto Santos y Rosario, and of the said outlaws, inflicting wounds therewith on the person of the said certain native whereof he, the said certain native, then and there died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Maxemino Antiporda, a native, “to be hanged by the neck until he be dead, at such time and place

as the reviewing authority may direct, two-thirds of the commission concurring therein."

II. Before a military commission which convened at Manila, P. I., pursuant to paragraph 3, Special Orders, No. 103, Headquarters Provost-Marshall-General (Separate Brigade, Provost Guard), May 7, 1901, and of which Maj. Henry B. McCoy, 44th Infantry U. S. Volunteers, was president and First Lieut. Carroll Power, 33d Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Rafino de Guzman, alias Rufino de Guzman, alias Modesto Santos y Rosario, native.

CHARGE.—"Murder."

Specification.—"In that he, Rafino de Guzman, alias Rufino de Guzman, alias Modesto Santos y Rosario, native, on or about the 16th day of September, 1900, a time, then as now, of insurrection against the lawful authority of the United States, at Manila, Luzon, P. I., a place then, as now, occupied by the troops of the United States, did wilfully, feloniously, and with malice aforethought kill and murder a certain native, whose name is unknown, by striking him, the said certain native, with a dangerous weapon, the exact description which is unknown, then and there had and held in the hand of him, the said Rafino de Guzman, alias Rufino de Guzman, alias Modesto Santos y Rosario, inflicting wounds therewith upon the person of the said certain native whereof he, the certain native, then and there died."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, the said Rafino de Guzman, alias Rufino de Guzman, alias Modesto Santos y Rosario, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing cases of Maxemino Antiporda and Rufino de Guzman, it appears that these two accused, in company of others, killed and murdered an unknown native, accused by them of being an American spy, and caused the body to be buried near the scene of the murder, after first beheading the same. The crime was perpetrated in the city of Manila about September 16, 1900, and the evidence leaves no reasonable doubt of the guilt of these accused.

The sentences approved by the convening authority are confirmed, but, upon his recommendation of clemency, are commuted to imprisonment at hard labor for the period of the natural life of each. As thus commuted, the sentences will be duly executed at the Presidio de Manila, to which place these prisoners, and each of them, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 12, 1901.

General Orders, No. 274.

Before a military commission, which convened at Manila, P. I., pursuant to paragraph 8, Special Orders, No. 170, Headquarters Department of Southern Luzon, June 19, 1901, and of which Lieutenant-Colonel Allen Smith, 1st U. S. Cavalry, was president and Captain Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Simplicio Tolentino, a native.

CHARGE.—"Murder."

Specification.—"In that he, Simplicio Tolentino, native of Taguig, P. I., on or about May 8, 1900, then as now, a time of insurrection, at or near the barrio of Hagonoy, pueblo of Taguig, province of Manila, island of Luzon, P. I., a place then as now, under the military government of the United States, did wilfully, feloniously and with malice aforethought, bury alive one Commandante Eusebio Madina, or Ison, a native of Pateros, P. I., who then and there died from suffocation, said Simplicio Tolentino covering or assisting in covering said Madina or Ison with dirt. This on or about the time and place specified."

PLEA.—To the specification, "Guilty, except the words 'wilfully, feloniously, and with malice aforethought.'" To the charge, "Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Simplicio Tolentino, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Simplicio Tolentino, the accused on the witness stand

said, concerning the killing of Eusebio Madina, "It was ordered by the general. I could not refuse, because according to the report of the people he was a very bad man, a ladrone, a robber, and if he did not get any money from the richest men he used to come and try to kill them. Whenever he saw a young girl he used to go around and assault her. He was a robber of what came down from the lake. * * * The order was received during my hiding. I buried it in the ground and the water ruined it. * * * A good many people were present at the execution. * * * General Pilar gave me the order while he was in Manila. He himself gave it to me. * * * At the grave I spoke to the people and advised them not to be as he (deceased) was, a ladrone, a robber, and assaulter." The accused further testified that the deceased had been tried in the mountains "about five months before he was killed; that he was present at the trial, but that the deceased was not present; that the officer who presided at the trial was killed, and General Pilar was exiled."

There is some corroboration of the reputed bad character of the deceased, but no single overt act was traced to his hand by the defense. Critically considered, the evidence contains little more than malicious imputations upon the character of the dead man.

The evidence is by no means conclusive that the deceased was executed in pursuance of a judgment passed upon him by other than the accused, and in accordance with the summary methods of irresponsible insurgent chiefs. Judged by the standards of procedure of civilized men, there was, in fact, no trial. Still, were it not for the barbarous method of killing by burial alive that the accused resorted to, and which can not receive even the color of sanction of official action, there would be less reluctance in extending clemency. Both he who orders and he who executes so barbarous a crime deserves the severest penalty.

The sentence, confirmed by the department commander, is confirmed, but upon his recommendations, is commuted to imprisonment at hard labor for the period of twenty years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-general Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 12, 1901.

General Orders, No. 275.

I. Before a military commission which convened at San Fernando, Union, Luzon, P. I., pursuant to paragraph 15, Special Orders, No. 197, Headquarters Department of Northern Luzon, July 20, 1901, and of which Major George P. Borden, 5th U. S. Infantry, was president, and Captain Edward Sigerfoos, 5th U. S. Infantry, was judge-advocate, were arraigned and tried: Leon Obras, Emeterio Peralta, Domingo Orate, Alejandro Viloria, Francisco Lopez, Guillermo Mundo, Geronimo Orine, natives.

CHARGE.—"Murder."

Specification.—"In that Leon Obras, Emeterio Peralta, Domingo Orate, Alejandro Viloria, Francisco Lopez, Guillermo Mundo, and Geronimo Orine, natives, and each of them, did, feloniously, wilfully, and with malice aforethought, kill and murder one Hilario Olito, native, by cutting and stabbing the said Hilario Olito with a bolo, or other sharp instrument from which the said Hilario Olito did then and there die. This during a time of insurrection, in the month of May, 1900, and at a place occupied by the military forces of the United States, to wit, near the Rancheria of Padayao, Balaoan, Province of Union, P. I."

PLEAS.—To the specification, "Guilty, except the words, 'feloniously, wilfully, and with malice aforethought,' and the words 'and murder.'" To the charge, "Not guilty."

FINDINGS.—Leon Obras, Emeterio Peralta, and Domingo Orate: "Guilty."

Alejandro Viloria, Francisco Lopez, Guillermo Mundo, and Geronimo Orine, of the specification: "Guilty, except the words 'and with malice aforethought' of the excepted words, not guilty."

Of the charge: "Guilty."

SENTENCE.—And the commission does therefore sentence Leon Obras and Emeterio Peralta and each of them, "To be confined at hard labor at such place as the reviewing authority may direct for a period of twenty years."

And the commission does therefore sentence Domingo Orate, "To be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

And the commission does therefore sentence Alejandro Vilorio, Francisco Lopez, Guillermo Mundo, and Geronimo Orine, and each of them, "To be confined at hard labor at such place as the reviewing authority may direct for a period of ten years."

In the foregoing case it appears that the accused Domingo Orate, a captain of bolomen, being in temporary command of the accused Alejandro Vilorio, Francisco Lopez, Guillermo Mundo, and Geronimo Orine, insurgent soldiers, and also of the accused Leon Obras and Emeteria Peralta, bolomen, proceeded to the house of one Hilario Olito, at Balaoan, Union, whom they kidnapped and conveyed to the Rancheria of Padayas. There the accused Leon Obras and Emeterio Peralta, obeying orders of the accused, Domingo Orate, who was present, killed said Hilario Olito with bolos. The deceased had been denounced as being friendly to the Americans.

The sentence, approved by the department commander, is confirmed, but in accordance with his recommendation is commuted as to Alejandro Vilorio, Francisco Lopez, Guillermo Mundo, and Geronimo Orine, and each of them, to imprisonment at hard labor for the period of two years. As thus commuted their sentences, as well as the sentences against Leon Obras and Emeterio Peralta, will be duly executed at the Presidio de Manila, to which place they, and each of them, will be sent under proper guard.

The sentence against accused Domingo Orate will be duly executed at Bangar, Union, Luzon, P. I., on the first day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

II. Before a military commission which convened at San Fernando de la Union, P. I., pursuant to paragraph 9, Special Orders, No. 143, Headquarters Department of Northern Luzon, May 25, 1901, and of which Lieutenant-Colonel Samuel M. Swigert, 13th U. S. Cavalry, was president, and Captain Edward Sigerfoos, 5th U. S. Infantry, was judge-advocate, were arraigned and tried: Leon Obras, Tomas Oriente, Mateo Oballes, Gregorio Lopez, Severino Directo, and Geronimo Orine, natives.

CHARGE.—"Murder."

Specification.—In that Leon Obras, Tomas Oriente, Mateo Oballes, Gregorio Lopez, Severino Directo, and Geronimo Orine, natives, and each of them, in company of and consorting with a band of outlaws under the leadership of said Leon Obras, did, feloniously, willfully, and with malice aforethought, kill and murder one Hugo Mendoza, native, by cutting the said Mendoza with a bolo or other sharp instrument, held in the hands of the said Leon Obras, from which act the said Hugo Mendoza did then and there die. This in a time of insurrection, in the month of February, 1900, and at a place occupied by the military forces of the United States, to wit, near the barrio of Pagleddegan, Balaoan, province of Union, P. I.

PLEAS.—To the specification, "Guilty, except the words 'in company of and consorting with a band of outlaws under the leadership of said Leon Obras, feloniously, willfully, and with malice aforethought,' and the words 'and murder;' to the excepted words, not guilty." To the charge, "Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence the said Leon Obras, native, "to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

And the commission does therefore sentence the said Tomas Oriente, Mateo Oballes, Gregorio Lopez, Severino Directo, and Geronimo Orine, natives, and each of them, "to be confined at hard labor at such place as the reviewing authority may direct for the period of twenty-five years."

In the foregoing case it appears that these accused, Leon Obras, Tomas Oriente, Mateo Oballes, Gregorio Lopez, Severino Directo, and Geronimo Orine, under the leadership of the first named, repaired to the house of one Hugo Mendoza, at Balaoan, Union, in February, 1900, seized, bound, and conveyed said Mendoza to the fields, and there accused Obras killed him with a bolo, because the victim was suspected of friendliness to the Americans.

The sentence, approved by the department commander, is confirmed, and will be duly executed against the accused, Tomas Oriente, Mateo Oballes, Gregorio Lopez, Severino Directo, and Geronimo Orine, at the presidio de Manila, to which place they and each of them will be sent under proper guard.

The sentence as against accused Leon Obras will be duly executed at Bangar, Union, Luzon, P. I., on the first (1st) day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF PHILIPPINES,
Manila, P. I., September 14, 1901.

General Orders, No. 277.

Before a military commission which convened at Laoag, Ilocos Norte, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 98, Headquarters Department of Northern Luzon, April 10, 1901, and of which Captain Robert W. Mearns, 20th U. S. Infantry, was president and Captain George H. Estes, 20th U. S. Infantry, was judge-advocate, was arraigned and tried Mariano Zales, a native.

CHARGE I.—“Being a guerrilla.”

Specification.—“In that Mariano Zales, native, not being a member of any recognized military organization, but acting independently of the same, did, in combination with sundry other persons similarly acting, engage in unlawful warfare against the United States, and in prosecution of such warfare did lie in wait and seize four natives, to wit: Florentino Rumbaoa, Mauricio Palayo, Anastacio Zales, and Faustina Mata, supposed to be friendly to the Americans. This on a road near Batac, Ilocos Norte, P. I., on or about April 8, 1901.”

CHARGE II.—“Murder.”

Specification.—“In that Mariano Zales, native, on or about April 8, 1901, then as now a time of insurrection, at or near the barrio Sibbo, jurisdiction of Batac, a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of 30 more or less, commanded or lead by Aniano Magno, did, with malice aforethought, willfully and feloniously kill and murder two natives, to wit: Anastacio Zales and Faustina Mata (female) after they had been waylaid on public road and taken prisoners, by striking them on back of necks with a club, inflicting wounds from which the said Anastacio Zales and Faustina Mata (female) died, then and there. This at the time above specified and at or near barrio Sibbo, jurisdiction of Batac, I. N., P. I.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, first charge, “guilty, excepting the words ‘four natives,’ substituting therefor ‘two natives,’ and excepting the words ‘Florentino Rumbaoa, Mauricio Palayo,’ which words are omitted, of the excepted words, not guilty, and of the substituted words, guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Mariano Zales, native, “to be confined at hard labor, at such place as the reviewing authority may designate, for the period of twenty (20) years.”

In the foregoing case it appears that this accused, Mariano Zales, was a member of a band of outlaws operating in violation of the laws of war in the vicinity of Batac, Ilocos Norte, P. I.; that such band lay in wait for and seized Anastacio Zales and Faustina Mata, a woman, whom they killed by striking them with a club in the back of their necks, the accused acting as executioner. No motive appears of record for this crime.

The accused on the witness stand admitted he killed deceased, saying: “They were relatives, uncle and aunt, of mine and I had to do it to save my life.” However this may be, men who willingly associate with brigands and assassins can not hope to escape the consequences of their bloody deeds. One and all of such unlawfully banded men fall under the severest penalties of the law, and for the reason that they but encourage each other in their felonious purposes.

The sentence, approved by the department commander, is confirmed, and his remark to the effect that the sentence is deemed inadequate is fully concurred in. The sentence will be duly executed at the presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 14, 1901.

GENERAL ORDERS, No. 278.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 8, Special Orders, No. 170, Headquarters Department of Southern Luzon, June 19, 1901, and of which Lieutenant-Colonel Allen Smith, 1st U. S. Cavalry, was president and Captain Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Lucas Claudio, native.

CHARGE I.—“Treason.”

Specification 1.—“In that he, Lucas Claudio, a native, at or near Pasay, Luzon, P. I., a place then, as now, under the military government of the United States, on or about and between the 13th day of January, 1901, and the 21st day of January, 1901, a time and times then, as now, of insurrection against the lawful authority of the United States, being a person owing allegiance to the United States of America and having theretofore and on or about the 12th day of January, 1901, taken an oath of allegiance to the United States of America, did then and there, in violation of his said oath of allegiance, maliciously and traitorously combine and conspire with certain insurgents whose names are unknown, to resist and defy the sovereignty and authority of the United States and to offer armed resistance to the troops of the United States in the province of Manila and elsewhere in the island of Luzon, P. I.”

Specification 2.—“In that he, Lucas Claudio, a native, at or near Pasay, Luzon, P. I., a place then, as now, under the military government of the United States, on or about and between the 13th day of January, 1901, and the 21st day of January, 1901, a time and times then, as now, of insurrection against the United States, being a person owing allegiance to the United States of America and having theretofore and on or about the 12th day of January, 1901, taken an oath of allegiance to the United States of America, did combine and conspire with certain insurgents whose names are unknown, to resist and defy the sovereignty and authority of the United States, with intent to subvert the power thereof. In pursuance of which said combination and conspiracy the said Lucas Claudio did, in violation of his said oath of allegiance, then and there maliciously and traitorously detain, restrain, and imprison one Domingo Tancio, a native friendly to the United States.”

CHARGE II.—“Accessory before the fact to murder.”

Specification.—“In that a band of outlaws to the number of six, more or less, whose names are unknown, at or near Pasay, Luzon, P. I., a place then, as now, under the military government of the United States, on or about the 3d day of October, 1900, a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder one Marcelo Blas, a native, by striking him, the said Marcelo Blas, with dangerous sharp-edged weapons, the exact description of which are unknown, then and there had and held in the hands of the members of the said band, inflicting wounds therewith on the person of the said Marcelo Blas, whereof he, the said Marcelo Blas, then and there died; and that he, the said Lucas Claudio, a native, before the commission of the said felony and murder, on or about the said 3d day of October, 1900, at or near the said Pasay, did feloniously counsel, aid, incite, and procure the members of the said band to commit in manner and form aforesaid the said felony and murder.”

CHARGE III.—“Accessory after the fact to murder.”

Specification.—“In that a band of outlaws to the number of six, more or less, whose names are unknown, at or near Pasay, Luzon, P. I., a place then, as now, under the military government of the United States on or about the 3d day of October, 1900, a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder one Marcelo Blas, a native, by striking him, the said Marcelo Blas, with dangerous sharp-edged weapons, the exact description of which are unknown, then and there had and held in the hands of the members of the said band, inflicting wounds therewith on the person of the said Marcelo Blas, whereof he, the said Marcelo Blas, then and there died; and that he, Lucas Claudio, a native, afterwards on or about the 3d day of October, 1900, and other and later dates, at or near the said Pasay, well knowing the said members of the said band and each of them to have done and committed the said felony and murder in the form aforesaid, did feloniously receive, harbor, and maintain members of the said band.”

CHARGE IV.—“Accessory after the fact to kidnaping.”

Specification.—“In that a band of outlaws to the number of six, more or less, one of whom is known as Perfecto Flores, and the names of the others of which are unknown, at or near Pasay, Luzon, P. I., a place, then as now, under the military government of the United States, on or about the 3d day of October, 1900, a time, then as now, of insurrection against the lawful authority of the United States, did forcibly and feloniously seize, bind, and carry away against his will one Domingo Tancio, a native, and that he, Lucas Claudio, a native, on or about the said 3d day of October, 1900, at or near the said Pasay, after the commission of the said felony, well knowing the said band of outlaws to have committed the same in manner and form aforesaid, did feloniously receive, harbor, and maintain the members of the said band.”

CHARGE V.—“False imprisonment.”

Specification.—“In that he, Lucas Claudio, a native, at or near Pasay, Luzon, P. I.,

a place, then as now, under the military government of the United States, on or about the 3d day of October, 1900, a time, then as now, of insurrection against the lawful authority of the United States, did receive from a band of outlaws, of the number of six, more or less, one Domingo Tancio, a native, who had theretofore been unlawfully and feloniously kidnapped by the said band, as the said Lucas Claudio then and there well knew, and him, the said Domingo Tancio, without any lawful authority or excuse, did detain, restrain, and falsely imprison for the space of three and one-half months next following, more or less, until on or about the 21st day of January, 1901."

CHARGE VI.—"Guerrilla warfare, in violation of the laws of war."

Specification.—"In that he, Lucas Claudio, a native, at or near Pasay, Luzon, P. I., a place, then as now, under the military government of the United States, at various times during the year 1900, a time, then as now, of insurrection against the lawful authority of the United States, conspiring and consorting with a band of armed outlaws to the number of six, more or less, whose names are unknown, did resist and defy the lawful authority of the United States, and direct, aid, and excite expeditions against the said lawful authority and against peaceful natives friendly to the United States, on one of which said expeditions, on or about the 3d day of October, 1900, one such friendly native, Marcelo Blas, was killed and murdered, and another such friendly native, Domingo Tancio, was seized, bound, and carried away against his will by the said band."

CHARGE VII.—"Combining and conspiring with insurgents in violation of the laws of war."

Specification.—"In that he, Lucas Claudio, a native, at or near Pasay, Luzon, P. I., a place, then as now, under the military government of the United States, on or about the 3d day of October, 1900, and at other times during the year 1900, a time and times, then as now, of insurrection against the lawful authority of the United States, did combine and conspire with certain insurgents whose names are unknown, to resist and defy the sovereignty and authority of the United States, and to offer resistance to the troops of the United States in the province of Manila and elsewhere in the island of Luzon."

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty;" of the first charge, "guilty;" of the specification, second charge, "not guilty;" of the second charge, "not guilty;" of the specification, third charge, "guilty;" of the third charge, "guilty;" of the specification, fourth charge, "guilty;" of the fourth charge, "guilty;" of the specification, fifth charge, "guilty;" of the fifth charge, "guilty;" of the specification, sixth charge, "guilty;" of the sixth charge, "guilty;" of the specification, seventh charge, "guilty;" of the seventh charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Lucas Claudio, native, "to be confined at hard labor at such place or places as the reviewing authority may direct for twenty (20) years."

In the foregoing case it appears by the evidence that the accused, Lucas Claudio, was a lieutenant of insurgents living as an ordinary citizen in the environs of Manila at Pasay, and in a neighborhood noted for the treasonable and turbulent character of its residents; that his band of ununiformed followers on about the 3d day of October, 1900, lay in wait for two natives who were returning in the evening from their day's work as tailors for the American garrison of Pasay Barracks, and seizing them killed one upon the spot and took the other to the house of the accused, where under threats of death if he complained to the authorities or left the premises he was practically deprived of his liberty and made to work at his trade for his captors for several months and until the band was broken up by the police force of Manila.

That in this and other criminal acts the accused is guilty as found by the commission there is no reasonable doubt. It is to be noted, however, that, under the facts alleged, the charge of treason, rarely resorted to in the United States, is both unnecessary and inadvisable. Every shade of crime committed by those engaged in rebellion and insurrection against the authority of the United States may be defined under the laws of war without the formal charge of treason.

So much of the proceedings as relate to the first charge is therefore disapproved.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 14, 1901.

General Orders, No. 279.

Before a military commission which convened at San Isidro, Province of Nueva Ecija, P. I., pursuant to paragraph 3, Special Orders, No. 171, Headquarters Department of Northern Luzon, October 17, 1900, and of which Captain Henry G. Lyon, 22d U. S. Infantry, was president, and 1st Lieutenant Richard C. Day, 34th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

I. Diego de Guzman, native.

CHARGE I.—“Murder.”

Specification.—“In that Diego de Guzman, native, styling himself captain of insurgents, in company of and consorting with a band of outlaws, numbering five, more or less, said band acting under his orders, did willfully, feloniously, and with malice aforethought kill and murder Cristina Zapanta Lopez, and Generosa Lopez, the wife and daughter respectively of Prudencio Lopez, sergeant of police of San Isidro, Nueva Ecija, P. I., by stabbing the said Cristina Zapanta Lopez and Generosa Lopez with bolos held in the hands of the said band acting under the orders of the said Diego de Guzman, inflicting wounds therewith, whereof the said Cristina Zapanta Lopez and Generosa Lopez then and there died. This on or about the 7th day of January, 1901, a time of insurrection, at or near the barrio of San Nicolas, pueblo of San Isidro, Nueva Ecija, P. I., a place within the territory of active military operations.”

CHARGE II.—“Abduction.”

Specification.—“In that Diego de Guzman, native, styling himself captain of insurgents, in company of and consorting with a band of outlaws, numbering five, more or less, said band acting under his orders, did by force and fear and against their will and consent, seize and carry away Cristina Zapanta Lopez and Generosa Lopez, the wife and daughter respectively of Prudencio Lopez, sergeant of police of San Isidro, Nueva Ecija, P. I. This on or about the 7th day of January, 1901, a time of insurrection, at or near the barrio of San Nicolas, pueblo of San Isidro, Nueva Ecija, P. I., a place within the territory of active military operations.”

CHARGE III.—“Guerrilla warfare in violation of the laws of war.”

Specification.—“In that Diego de Guzman, native, styling himself captain of insurgents, and commanding a band of armed outlaws, to the number of five, more or less, did wage guerrilla warfare against the authority of the United States. This in the province of Nueva Ecija, P. I., a territory in insurrection against the authority of the United States, and in the theater of active military operations, during the months of January, February, March, and April, 1901.

PLEA.—To the specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty;” to the specification, third charge, “guilty;” to the third charge, “guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Diego de Guzman, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

II. Feliciano Borja, native.

CHARGE I.—“Murder.”

Specification.—“In that Feliciano Borja, native, in company of and consorting with a band of outlaws, to the number of five, more or less, did willfully and with malice aforethought kill and murder Cristina Zapanta Lopez and Generosa Lopez, wife and daughter respectively of Prudencio Lopez, sergeant of police of San Isidro, Nueva Ecija, P. I., by stabbing them, the said Cristina Zapanta Lopez and Generosa Lopez, with bolos, held in the hands of the said Feliciano Borja, and in the hands of the members of the said band, inflicting wounds therewith, whereof the said Cristina Zapanta Lopez and Generosa Lopez then and there died. This on or about the 7th day of January, 1901, at or near the barrio of San Nicolas, pueblo of San Isidro, Nueva Ecija, P. I., in time of insurrection and in the theater of active military operations.”

CHARGE II.—“Abduction.”

Specification.—“In that Feliciano Borja, native, in company of and consorting with a band of armed outlaws, to the number of five, more or less, did by force and fear, and against their will and consent, seize and carry away Cristina Zapanta Lopez, and Generosa Lopez, the wife and daughter respectively, of Prudencio Lopez, sergeant of police of San Isidro, Nueva Ecija, P. I. This on or about the 7th day of January, 1901, at or near the barrio of San Nicolas, pueblo of San Isidro, Nueva Ecija, P. I., in time of insurrection and in the theater of active military operations.”

CHARGE III.—“Guerrilla warfare in violation of the laws of war.”

Specification.—“In that Feliciano Borja, native, was a member of a band of ununi-

formed outlaws engaged in resisting the authority of the United States. This in the Province of Nueva Ecija, P. I., during the months of January and February, 1901, a time and place of insurrection and in the theater of active military operations."

PLEA.—To the specification, first charge, "not guilty;" to the first charge, "not guilty;" to the specification, second charge, "not guilty;" to the second charge, "not guilty;" to the specification, third charge, "guilty;" to the third charge, "guilty."

FINDING.—Of the specification, first charge, "guilty, excepting the words 'in the hands of the said Feliciano Borja, and,' and of the excepted words not guilty;" of the first charge, "guilty;" of the specification, second charge, "guilty;" of the second charge, "guilty;" of the specification, third charge, "guilty;" of the third charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Feliciano Borja, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case it appears that these accused, Diego de Guzman and Feliciano Borja, in company of a band of outlaws, of which the former was leader, seized and carried away to the fields, near the barrio of San Nicolas, Nueva Ecija, the wife and daughter of the sergeant of police of San Isidro, and killed and murdered these two women by cutting and stabbing them with bolos.

It further appears by the evidence in the case of the accused, Diego de Guzman, that the dead bodies of two men, one a cousin and the other a coachman of the sergeant of police, were found lying dead with the bodies of the murdered women. From this fact the conclusion is forced upon the mind that these men were killed by violence and for the same motive which inspired the murder of the women, to wit, to inflict an appalling vengeance upon a man who had taken office under American authority.

The duty of the United States to protect its public servants in the lawful execution of their duties, and the necessity of restraining the criminal propensities of those who seek revenge upon men by killing the helpless and unoffending members of their households, a crime common only to the most barbarous tribes, call for the severest penalties of the law.

These accused are also charged with and plead guilty to carrying on guerrilla warfare, being members of an ununiformed band of outlaws operating within the lines of the United States forces.

The sentences, approved by the department commander, are confirmed and will be duly executed against these accused, Diego de Guzman and Feliciano Borja, and each of them, at San Isidro, Nueva Ecija, Luzon, P. I., on the first (1st) day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 16, 1901.

General Orders, No. 281.

Before a military commission which convened at Laoag, Ilocos Norte, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 98, Headquarters Department of Northern Luzon, April 10, 1901, and of which Capt. Robert W. Mearns, 20th U. S. Infantry, was president, and Capt. George H. Estes, 20th U. S. Infantry, was judge-advocate, was arraigned and tried Wenceslao, alias Estanislao Rosales, a native.

CHARGE.—"Murder."

Specification.—"In that Wenceslao, alias Estanislao Rosales, native, on or about April 17, 1900, then as now a time of insurrection, at or near San Nicolas, province of Ilocos Norte, P. I., a place then as now under the military government of the United States, in company of and consorting with others armed with bolos and fire-arms did willfully, feloniously, and with malice aforethought kill and murder the following-named police of Laoag, Ilocos Norte, P. I., viz: Eugenio Tomayo, Eduardo Pata, and Salvador Gorospo, all natives, by stabbing and cutting them with bolos held in the hands of members of said band, inflicting wounds from which the said policemen above named then and there died."

PLEA.—"Not guilty."

FINDING.—Of the specification, "guilty, except the words 'bolos and,' and 'stab-

bing and cutting them with bolos held in the hands of members of said band, inflicting wounds from,' substituting for the latter the words 'throwing them in a well, and afterwards filling said well with earth, from the effects of,' of the excepted words not guilty, and of the substituted words guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, the said Wenceslao, alias Estanislao Rosales, "To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, all of the members concurring therein."

In the foregoing case it appears that this accused, Estanislao Rosales, about April 17, 1900, in company of an armed band of outlaws, seized and bound three native policemen who had been sent from Laoag to San Nicolas, Ilocos Norte, on duty, there took them before a priest to be confessed and then flinging them alive into a well, filled up the same with dirt, thus causing their death. Their acceptance of service under American rule is the apparent motive for their barbarous murder.

The sentence, approved by the department commander, is confirmed and will be duly executed against the accused, Estanislao Rosales, at San Nicolas, Ilocos Norte, Luzon, P. I., on the eighth (8th) day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee.

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 16, 1901.

General Orders, No. 282.

Before a military commission which convened at Malabon, Manila province, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 156, Headquarters Department of Northern Luzon, June 8, 1901, and of which Maj. William H. Cook, surgeon, U. S. Vols., was president, and First Lieut. Paul Giddings, 3d U. S. Infantry, was judge-advocate, were arraigned and tried: Maximo Maricaban and Feliciano Samson, natives.

CHARGE.—"Murder."

Specification.—"That on the 2d day of October, 1900, then as now a time of insurrection, at the sitio of Cayalhoc, about three (3) miles south of the pueblo of Antipolo, province of Morong, Island of Luzon, P. I., a place then as now under the military occupation and government of the United States, Maximo Maricaban and Feliciano Sampson, natives and residents of the pueblo of Antipolo, province of Morong, P. I., armed with bolos, did feloniously, wilfully, and with malice aforethought, murder and kill one Atanacio Gatlabayan, a native and resident of the pueblo of Antipolo, province of Morong, P. I., by then and there cutting the said Atanacio Gatlabayan with bolos held in the hands of the said Maximo Maricaban and Feliciano Samson, then and there inflicting upon the said Atanacio Gatlabayan divers cuts and wounds by reason of which said cuts and wounds the said Atanacio Gatlabayan then and there died."

PLEA.—"Not guilty."

FINDINGS.—Maximo Maricaban: Of the specification, "guilty, excepting the words, 'on 2d day of,' substituting therefor the words 'on or about the 2d day of,' of the excepted words not guilty, and of the substituted words guilty." Of the charge "guilty."

Feliciano Samson: "Not guilty."

SENTENCE.—And the commission does therefore sentence him, the said Maximo Maricaban, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds ($\frac{2}{3}$) of the commission concurring therein."

And the commission does therefore "acquit" him, the said Feliciano Samson, native.

In the foregoing case it appears that the accused Maximo Maricaban and deceased were rivals for the favor of a woman, and the accused, in revenge for a blow received at the hands of deceased some days previously, laid in wait in the rice fields for Atanacio Gatlabayan, and on the approach of the latter sprang out and boloed him to death.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of thirty (30) years. As thus commuted the sentence will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 20, 1901.

General Orders, No. 285.

Before a military commission which convened at Palanoc, island of Masbate, P. I., pursuant to paragraph 5, Special Orders, No. 11, Headquarters Department of Southern Luzon, January 11, 1901, and of which Captain Abner Pickering, 2d U. S. Infantry, was president and Captain Peter E. Marquart, 2d U. S. Infantry, was judge-advocate, was arraigned and tried Acacio Bilan, a native.

CHARGE I.—“Giving intelligence to the enemy, in violation of the laws of war.”

Specification.—“In that he, Acacio Bilan, native, while acting in the capacity of lieutenant of the barrio of Daraga, island of Masbate, P. I., then as now under the military jurisdiction of the military forces of the United States, did send intelligence to the enemy of the approach and proximity of the American soldiers, thus enabling the enemy to elude the forces sent after them. This in time of insurrection, at or near Daraga, island of Masbate, P. I., during the months of April and May, 1901.”

CHARGE II.—“Relieving the enemy, in violation of the laws of war.”

Specification.—“In that he, Acacio Bilan, native, while acting in the capacity of lieutenant of the barrio of Daraga, island of Masbate, P. I., did relieve the enemy by giving them victuals, rice, fish, and camotes. This at or near Daraga, island of Masbate, P. I., then as now under the military jurisdiction of the United States, in the time of insurrection, during the months of April and May, 1901.”

CHARGE III.—“Violation of oath of allegiance in violation of the laws of war.”

Specification.—“In that Acacio Bilan, native, having been duly and regularly elected and appointed lieutenant of the barrio of Daraga (barrio of the town of Placer), and having taken the oath of allegiance to the United States, did violate same by relieving and harboring the enemies thereof and giving them assistance and information against the United States forces acting to subdue said enemies. This in time of insurrection, during the months of April and May, 1901, at or near Daraga, island of Masbate, P. I., then as now under the jurisdiction of the military forces of the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Acacio Bilan, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for a period of twenty-five years.”

In the foregoing case of Acacio Bilan, native, it appears by the evidence that the accused, while intrusted with the duties of the office of lieutenant of the barrio, allied himself with and by voluntary contributions of food supplies, encouraged the depredations of a band of outlaws, shared with them in their robberies and practically became their patron and chief, thus using his office, not for the maintenance of good order and the protection of the property of the people, but for his own illicit gain. Allied as all outlaw bands are with the so-called insurgent forces, which resort to the same means of extorting contributions and taking needed supplies of live stock and other means of subsistence and assuming to be insurgents, when such assumption best suited their purpose, and actually acting as their message bearers and allies, they are to all intents and purposes a component part of the irregular forces coming under the general definition of “the enemy” as alleged. Still in this case it would have been more in accord with the facts and hence better pleading to have alleged complicity with outlaws than acting with “the enemy.”

Subject to the foregoing remark, the proceedings and sentence, approved by the department commander, are confirmed and the sentence will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 20, 1901.

General Orders, No. 286.

Before a military commission which convened at Moncada, Tarlac Province of Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Captain Charles W. Abbot, jr., 12th U. S. Infantry, was president, and Captain George W. Kirkman, 12th U. S. Infantry, was judge-advocate, were arraigned and tried Eucebio Tabelisma, José Gonzales, and Ambrosio Rosario, natives.

CHARGE.—“Murder.”

Specification.—“In that Eucebio Tabelisma, José Gonzales, and Ambrosio Rosario, natives, and each of them, in company with one Blas Bonrostro (since dead), in the barrio of Aringin, pueblo of Moncada, province of Tarlac, Luzon, P. I., in territory then as now occupied by United States troops, and at a time then as now of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought, kill and murder one Carlos Yasay, native, by stabbing and striking said native with bolos and poinard, held in the hands of the said Eucebio Tabelisma, José Gonzales, Ambrosio Rosario, and Blas Bonrostro (since dead), inflicting such wounds therewith that the said Carlos Yasay then and there died. This at the place above specified on the 26th day of April, 1901.”

PLEAS.—“Not guilty.”

FINDINGS.—Of the specification, “guilty, except the words ‘Aringin’ and ‘poinard,’ substituting for the word ‘Aringin’ the word ‘Culibat,’ and of the excepted words not guilty, and of the substituted word, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Ambrosio Rosario, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring.”

And the commission does therefore sentence them, Eucebio Tabelisma and José Gonzales, natives, and each of them, “To be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of their natural lives.”

In the foregoing case it appears that the accused, Ambrosio Rosario, actuated by private enmity against deceased, procured and induced, with potations of vino and promise of reward, Eucebio Tabelisma and José Gonzales, two of the accused, to sequester and convey to the fields one Carlos Yasay, and then and there killed him with bolos, all three of the accused participating and subsequently throwing the body of the victim into a well.

The sentence, approved by the department commander, is confirmed and will be duly executed against accused, Ambrosio Rosario, at Moncada, Tarlac, Luzon, P. I., on the first (1st) day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

The sentence against Eucebio Tabelisma and José Gonzales, and each of them, will be duly executed at the Presidio de Manila, to which place these prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., September 26, 1901.

General Orders, No. 291.

Before a military commission which convened at Nueva Caceres, Camarines Sur, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 166, Headquarters Department of Southern Luzon, June 15, 1901, and of which Major Arthur Williams, 26th U. S. Infantry, was president, and Captain James A. Lynch, 28th U. S. Infantry, was judge-advocate, was arraigned and tried Francisco Braganza, a native.

CHARGE I.—“Murder in violation of the laws of war.”

Specification.—“In that Francisco Braganza, native, while holding the rank of commandante of insurgent forces and having in his custody, as prisoners, Antonio Plana, Sebastian Nuñez, Antonio Conjo, Manuel Lobo, and others, all Spanish soldiers, to the number of one hundred and three, more or less, names of others unknown, said prisoners being guarded by insurgent soldiers, under the command of the said Francisco Braganza, did, willfully, feloniously, and with malice aforethought, order and cause the said Spanish soldiers, then prisoners in his custody, to be bound to trees, and while in this defenseless condition did order, cause, and allow the said Antonio Plana, Sebastian Nuñez, Antonio Conjo, Manuel Lobo, and others, all Spanish soldiers, to the number of one hundred and three, more or less, then prisoners in his hands, to be killed and murdered by his, the said Francisco Braganza's soldiers, by striking them with bolos and other sharp instruments, held in the hands of the said Francisco Braganza's soldiers, until all were dead, he, the said Francisco Braganza, being present in command, directing, aiding, abetting, and encouraging these acts. This on or about February 23, 1900, then, as now, a time of insurrection, at or near the barrio of Baliuag, pueblo of Minalabag, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States.”

CHARGE II.—“Violation of the laws of war.”

Specification.—“In that Francisco Braganza, native, while holding the rank of commandante of insurgent forces, did cause and allow the bodies of Antonio Plana, Sebastian Nuñez, Antonio Conjo, Manuel Lobo, and others, to the number of one hundred and three, more or less, names of others unknown, all Spanish soldiers, murdered by his orders, to be mutilated, denuded of clothing, and left unburied to be devoured by the dogs in that vicinity, he, the said Francisco Braganza, being present, directing, and encouraging these acts. This on or about February 23, 1900, then, as now, a time of insurrection, at or near the barrio of Baliuag, pueblo of Minalabag, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States.”

CHARGE III.—“Robbery in violation of the laws of war.”

Specification.—“In that Francisco Braganza, native, while holding the rank of commandante of insurgent forces, did take, steal, and carry away, or cause to be taken and delivered to him, all money, jewelry, and other valuables found on the persons of Antonio Plana, Sebastian Nuñez, Antonio Conjo, Manuel Lobo, and others, to the number of one hundred and three, more or less, all Spanish soldiers, who were prisoners in his custody, and who were killed by his order, he, the said Francisco Braganza, being present, directing, and assisting in these acts. This on or about February 23, 1900, then, as now, a time of insurrection, at or near Baliuag, a barrio of the pueblo of Minalabag, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, first charge, “guilty, excepting the words ‘to trees,’ and of the excepted words, not guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty;” of the specification, third charge, “guilty;” of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Francisco Braganza, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Francisco Braganza, native, it appears that this accused had been a lieutenant of police of San Fernando and recently appointed a major in the insurgent forces. That at Minalabag a party, by roll call, of one hundred and seventy-three Spanish prisoners, were delivered to him for the ostensible purpose of being conducted to a place of greater security from the approaching American troops. It appears that from high sources of authority, among the insurgent chiefs, the most stringent orders had been given to prevent their rescue by the Americans.

At the time the accused took charge of these prisoners they were footsore, weary, and half starved; their hurried marching and large number apparently overtaking the available means of support which the presidentes of the pueblos through which they passed had at their ready disposal.

Apprehension of the sudden appearance of the American troops caused confusion and disorder among the guard and police which composed the escort, under the orders of the accused, who, on the 23d day of February, 1900, the morning following the day he assumed charge of the escort, proceeded to have the arms of his prisoners bound at the elbows with cords drawn across their backs, so as to render them comparatively helpless. This was the first act of unmistakable indignity imposed upon the prisoners, who, up to this time, had been treated with some kindness. Knowing the habits of the people in whose hands they were, to bind and make helpless one doomed to death, the prisoners must have readily interpreted its sinister meaning. The next act of the accused was to cause the prisoners to be searched for money and valuables and to appropriate the lion's share to himself. The prisoners were then told off in detachments of ten men, more or less, with a suitable guard placed over each. They were then conducted to the rice fields, a short interval being preserved between the detachments. At a preconcerted signal, the blowing of a whistle by accused, the guards fell upon their victims and slaughtered them with daggers, bolos, clubs, and spears; the accused standing by, encouraging, directing, and urging on the barbarous assault.

Those of the victims who were strong enough, bound as they were, made a break for liberty, and accused ordered them pursued and killed. On the following morning it was reported to accused that thirty of the escaped prisoners had been recaptured at Lupi, whereupon he proceeded there, ordered them bound, conveyed to the woods, and again the scenes of the preceding day were enacted. Returning to Lupi, accused found another party of his recaptured victims, and these, in turn, were bound and led to death.

Such are the established facts in the foregoing case, offset by a weak, ineffective, and wholly unconvincing attempt on the part of the accused to prove an alibi.

From official records it appears that about one-half of the prisoners escaped and, after devious wanderings under cover of the tropical vegetable growth and wooded lands, in small parties and after much suffering finally reached safety within the American lines.

In this relation it is deemed fitting to cite the now historical fact that the chiefs of the insurrection, in pursuance of a deliberate policy, did their utmost to prevent the United States from fulfilling its desire and assumed obligation to employ its best efforts to return Spanish prisoners in the hands of these chiefs to Spain. In what manner this cruel policy could serve the cause of the insurrection passes ordinary comprehension. This much is true, however: out of the spirit of this policy and the stringent orders issued to their subordinates, that they should by all means in their power prevent the rescue of Spanish prisoners by the American troops, sprang the motive for a crime in which they must bear a full share in the responsibility. That these chiefs made the act of the accused their own is evidenced by the fact that they did not bring him to trial therefor, nor cease to continue him in office, thereby in effect extending to him their approbation and confidence. In this, it is believed, they betrayed the better sentiments of the Filipino people and demonstrated their lack of comprehension of the means of governing humanely and wisely. History will surely record against them large responsibility for this, the most barbarous and revolting massacre of helpless prisoners known to the modern history of war.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Nueva Caceres, Camarines Sur, Luzon, P. I., on the 15th day of November, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 26, 1901.

General Orders, No. 292.

Before a military commission which convened at San Fernando, Pampanga, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 203, Headquarters Department of Northern Luzon, July 27, 1901, and of which Major George H. Paddock, 5th U. S. Cavalry, was president, and 2d Lieutenant Burton J. Mitchell, 22d U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Timoteo Dhalan, alias Doroteo del Rosario, a native.

CHARGE.—“Murder.”

Specification 1.—“In that he, Timoteo Dhalan, alias Doroteo del Rosario, native, ‘comandante’ of the so-called insurgent forces, did issue orders, both written and verbal, to his subordinate, one Manuel Gonzales, native, a lieutenant of insurgents, to execute one Jose Buencamino, native, presidente of the pueblo of San Miguel de Mayumo, Province of Bulacan, said Jose Buencamino being at that time a prisoner in the hands of the aforementioned Manuel Gonzales, in obedience to which order said Manuel Gonzales did deliver Jose Buencamino to a band of men, about six in number, by whom said Jose Buencamino was then and there killed by a dagger held in the hand of one Regino Cervantes, a member of said band. This feloniously and with malice aforethought, at or near the sitio of Bisal, jurisdiction of the pueblo of Baliuag, province of Bulacan, Philippine Islands, on or about the 4th day of November, 1900, this being in time of insurrection against the authority of the United States, and in a region the scene of active military operations.”

Specification 2.—“In that he, Timoteo Dhalan, alias Doroteo del Rosario, native, a ‘comandante’ of the so-called insurgent forces, did issue orders, both written and verbal, to his subordinate, one Manuel Gonzales, native, a lieutenant of insurgents, to execute five American soldiers held as prisoners in the hands of said Gonzales, to wit, Private John T. Hickman, Co. B, 35th Infantry, U. S. V.; Private William A. Smith, Co. C, 35th Infantry, U. S. V.; Private Hamlet Jarvis, Co. C, 35th Infantry, U. S. V.; Private Elmer Dane, Co. E, 35th Infantry, U. S. V.; and Private Frank H. Wilson, Co. E, 35th Infantry, U. S. V.; and that said Gonzales, acting in compliance with the aforesaid order of Timoteo Dhalan, alias Doroteo del Rosario, did instruct one Clemente de la Cruz, native, a sergeant of Gonzales’s band of guerrillas, to put to death the aforementioned American soldiers, which order was there carried out by said Clemente de la Cruz, he, accompanied by five insurgent soldiers, more or less, conducting the aforementioned American prisoners into the Candaba swamp, where they were killed with bolos held in the hands of Clemente de la Cruz and the five,

more or less, men who accompanied them. This feloniously and with malice aforethought, at or near the sitio of Bisal, jurisdiction of the pueblo of Baliuag, Province of Bulacan, Luzon, Philippine Islands, on or about the 4th day of November, 1900, in time of insurrection against the authority of the United States and in a region the scene of active military operations."

PLEA.—"Not guilty."

FINDING.—Of the first specification, "guilty." Of the second specification, "guilty, except the word 'bolos,' and substituting therefor the word 'daggers,' and of the excepted word not guilty, and of the substituted word guilty." Of the charge, "guilty."

SENTENCE.—And the commission does, therefore, sentence him, Timoteo Dhalan, alias Doroteo del Rosario, "to be hanged by the neck until dead, two-thirds of the commission concurring therein, at such place and time as may be designated by the reviewing authority."

In the foregoing case of Timoteo Dhalan, alias Doroteo del Rosario, it appears that the accused was a major of guerrillas of the so-called insurgent forces; that on the 30th day of October, 1900, one of his subordinates, First Lieut. Manuel Gonzales, successfully ambushed a detachment of the 35th Infantry, U. S. V., taking five soldiers prisoners, and with the prisoners one Señor José Buencamino, presidente of San Miguel de Mayumo. The accused, having had report of the foregoing, sent orders to his subordinate, which appear by translated copies below:

"Señor First Lieut. Manuel Gonzales and Capt. Dionisio Santos:

"Inside of twelve hours you will report to me what has happened in the ambushcade that you have done; at what hour, in which place, how many they were, how many rifles captured, and also prisoners, and if José Buencamino, of San Miguel, was with them. With great care you will obey the following:

"First. Separate José Buencamino from the Americans, and with these Americans do as if you were to take them to the general; but when you reach the tall grass do with them what we are accustomed to do; but I strictly recommend you not to let anyone know, even to our soldiers, but to those of much confidence and with the lips shut.

"Second. To José Buencamino do with him what you know the suffering of the reason in a hidden place, and take great care with the woman, so she may not escape.

"Third. Once you have done all these, give me a report of all that has happened in the ambushcade, so I may make the report to the general; what captains and officers were present, so that I may make the recommendations.

"God keep your life many years.

"The chief major of the guerrillas:

(Sgd.) "TIMOTEO DHALAN.

"Now November 1, 1900."

Three days later the accused sent the following:

"Señor First Lieut. MANUEL GONZALES:

"I have received your communication for Captain Santos, and when you receive this you will obey, without excuse, the following:

"First. Once the prisoners are in the place where the enemy do not pass do with them what I have ordered; but no one must know, even many soldiers; only those who will do it; do not use bullets, but daggers. Buencamino must not know of this.

"Second. If Buencamino would request you anything, treat him well and that I will go there very soon; but you are responsible if he escapes. What you are going to do with the prisoners should be far from Buencamino, and he must not know.

"Third. Give to each of our soldiers undershirts.

"Fourth. I repeat you again that to hide Buencamino well, also our rifles; separate them from the places where the enemy pass, so that they may not be captured. Hereafter you should be more careful.

"You will receive five pesos for the soldiers.

"God keep your life many years.

"The chief major of the guerrillas:

(Sgd.) "T. DHALAN.

"Now November 3, 1900.

"P. S.—What you should tell Buencamino is that the prisoners will be taken to the general; but do what I have ordered."

The accused entered his bare denial of the authenticity of these orders, but his proven signature by witnesses familiar with it, and oral testimony sufficient of itself to convict him beyond all reasonable doubt of having conceived and ordered the consummation of the murder of his helpless victims. His open appeal to the base

instincts of his soldiers by promising reward for the execution of his inhuman command aggravates his offense and marks the accused as one so lost to the better instincts of his race as to preclude any appeal to clemency.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Baliuag, Bulacan, Luzon, P. I., on the eighth (8th) day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

II. Manuel Gonzales, a native.

CHARGE I.—“Violation of parole.”

Specification.—“In that he, Manuel Gonzales, native, having, on or about the 12th day of May, 1900, at or near San Idefonso, Province of Bulacan, voluntarily given to 2d Lieutenant L. S. Chappelle, 35th Infantry, United States Volunteers, a written parole in the following words:

“I, Manuel Gonzales, second lieutenant, company of guerrillas, Battalion of Bulacan, of the revolutionary army of the Filipinos, of the brigade of General Gregorio del Pilar, pledge my word of honor not to serve during the existing insurrection or to take up arms against the United States of America at any time in the future.

(Sgd.) “MANUEL GONZALES.”

did feloniously and with malice aforethought again take up arms against the United States, and did, in command of a band of armed men—thirty, more or less—on the 30th day of October, 1900, attack a detachment of United States troops acting as escort for José Buencamino, native, presidente of the pueblo of San Miguel, Province of Bulacan, wounding and capturing said José Buencamino, killing one American soldier, wounding two others, and carrying five away into captivity. This, near Maasin River, Province of Bulacan, P. I., on or about the 30th day of October, 1900, in time of insurrection against the authority of the United States, and in a region the scene of active military operations.”

CHARGE II.—“Murder.”

Specification.—“In that he, Manuel Gonzales, native, having in his power and possession as prisoners of war, five American soldiers, to wit: Private John T. Hickman, Co. B, 35th Infantry, U. S. V.; Private William A. Smith, Co. C, 35th Infantry, U. S. V.; Private Hamlet Jarvis, Co. C, 35th Infantry, U. S. V.; Private Elmer Dane, Co. E, 35th Infantry, U. S. V., and Private Frank H. Wilson, Co. E, 35th Infantry, U. S. V., did order one Clemente de la Cruz, native, a sergeant of the band of guerrillas under his command, to conduct the aforesaid prisoners to a secluded spot and put them to death, which order was carried out by the said Clemente de la Cruz, he with five companions, more or less, conducting them with their arms pinioned into the Candaba swamp, and did then and there kill and murder them with sharp instruments called bolos, held in the hands of Clemente de la Cruz and the five, more or less, men who accompanied him. This feloniously and with malice aforethought, at or near the sitio of Bisal, jurisdiction of the pueblo of Baliuag, province of Bulacan, Philippine Islands, on or about the 4th day of November, 1900, in time of insurrection against the authority of the United States, and in a region the scene of active military operations.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, first charge, “guilty;” of the charge, “guilty;” of the specification, second charge, “guilty, excepting the word ‘bolos’ and substituting therefor the word ‘daggers,’ and of the excepted word, not guilty, and of the substituted word, guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Manuel Gonzales, native, “to be hanged by the neck until he is dead, two-thirds of the commission concurring therein, at such time and place as the reviewing authority may designate.”

In the foregoing case of Manuel Gonzales, the accused, in his trial, admitted that he had taken the oath of allegiance to the United States and afterwards accepted the office of first lieutenant in the insurgent forces. That thereafter, with his followers, he successfully ambushed a detachment of American soldiers, killing one, wounding others, and taking five prisoners of war. A few days later, in obedience to the written orders of his superior officer, one Timoteo Dhalan, he caused these prisoners and a native, Señor José Buencamino, to be killed. To these orders, which appear of record, the accused avers that he sent a written protest to said Dhalan to the effect that the killing of his prisoners would be contrary to the laws of war. By this statement the accused disclosed the fact of his knowledge that the order given him was illegal. His plain duty therefore, was to refuse obedience; and no fact appears of record to negative the conclusion that he also well knew such an act of barbarism was contrary to the general instructions of the common superiors of himself and Major Dhalan.

Faithless to the sworn obligation not to take up arms against the United States, and recreant to those principles of humanity that distinguish the civilized man from the savage, the accused has debarred himself from appealing to the clemency of the commanding general, who can not and will not save from merited punishment those of the enemy who, having the soldiers of his army in their hands as helpless prisoners of war, forget the part of an honorable enemy and resort to the cowardly methods of the assassin to destroy the lives of such prisoners, or of natives friendly to the United States.

The sentence approved by the department commander is confirmed, and will be duly executed at Baliuag, Bulacan, Luzon, P. I., on the eighth (8th) day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

III. Clemente de la Cruz, a native.

CHARGE.—“Murder.”

Specification.—“In that he, Clemente de la Cruz, a sergeant of a band of guerrillas commanded by one Manuel Gonzales, native, did, in company with five or more other natives, whose names are unknown, feloniously and with malice aforethought, kill and murder five American soldiers, to wit: Private John T. Hickman, Co. B, 35th Infantry, U. S. V.; Private William A. Smith, Co. C, 35th Infantry, U. S. V.; Private Hamlet Jarvis, Co. C, 35th Infantry, U. S. V.; Private Elmer Dane, Co. E, 35th Infantry, U. S. V., and Private Frank H. Wilson, Co. E, 35th Infantry, U. S. V., held as prisoners of war in the hands of the aforesaid Manuel Gonzales, by striking and cutting them, the aforesaid American soldiers, with sharp instruments called bolos, from the effects of which they then and there died. This at or near the sitio of Bisal, jurisdiction of the pueblo of Baliuag, province of Bulacan, Philippine Islands, on or about the 4th day of November, 1900. This being in time of insurrection against the authority of the United States and in a region at that time the scene of active military operations.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, “guilty, except the word ‘bolos,’ substituting therefor the word ‘daggers,’ and of the excepted word not guilty, and of the substituted word guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Clemente de la Cruz, native, “to be hanged by the neck until dead, two-thirds of the commission concurring therein, at such time and place as the reviewing authority may designate.”

In the foregoing case of Clemente de la Cruz it appears from the evidence that the accused was a sergeant in the insurgent forces and was given charge of a detachment of six men, with orders to conduct to a safe distance from the public highway five American prisoners, taken captive by a successful ambushade two or three days previously, and to kill said prisoners with daggers or bolos. In obedience to his orders, willingly and unhesitatingly undertaken, the accused bound the arms of his appointed victims behind their backs, and taking them to a distance of about four and one-half miles from camp into a marsh known as the Candaba swamp, then and there caused his men to assail them with their bolos until they were dead.

The accused admitted in open court the essential facts of the murder in language to the import of the foregoing, but pleaded the order of his company commander, Lieutenant Gonzales, to relieve him of responsibility. He admitted that he knew that order “to be bad,” but “was afraid not to obey,” was afraid he “would get a hard punishment,” and “might have been shot.” He also admitted that he never saw or heard of a Filipino soldier being punished with death for disobedience of orders.

If the plea of obedience to unlawful orders to kill prisoners of war were held to be sufficient to exculpate the accused from criminal responsibility in this case, then his lieutenant, who gave him the order, can successfully plead the order of the major, who in turn gave the order to the lieutenant, and so the chain of criminal responsibility be carried backward until lost in the mazes of doubt regarding the origin of the order in the mind of some unknown chief assassin in high place, and so all the guilty parties escape punishment for their inhuman crime.

The proneness of the outlaw chiefs of insurgents in some zones of operations to kill their prisoners, natives or Americans, and the criminal character of their followers, call for drastic remedies. The commanding general owes to the soldiers of his command the most effective means of protection in his power to save them from the murderous instincts of the assassin. Hence all may take warning that those who give orders to murder the soldiers of the United States Army, and all those who execute such orders, when their own lives are not in imminent deadly peril from the immediate presence of their officers, armed and ready to execute death upon them if they refuse obedience, shall not meet with pardon at his hands.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of his natural life. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 28, 1901.

General Orders, No. 296.

Before a military commission which convened at Binalonan, Pangasinan, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 159, Headquarters Department of Northern Luzon, June 11, 1901, and of which Captain James B. Goe, 13th U. S. Infantry, was president, and 1st Lieutenant Alexander M. Wetherill, 13th U. S. Infantry, was judge-advocate, was arraigned and tried: Pedro Mara, a native.

CHARGE I.—“Assault and battery with intent to do bodily harm.”

Specification.—“In that Pedro Mara, in company of and consorting with armed outlaws, to the number of ten, more or less, did, in time of insurrection, enter the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations, and did unlawfully seize and conduct therefrom, with intent to do bodily harm, Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Sabarboro, and Dolores Dingli, natives, lawfully residing in the said barrio. This at the place above specified, at about 10 p. m., February 17, 1900.”

CHARGE II.—“Murder.”

Specification.—“In that Pedro Mara, in company of and consorting with armed outlaws, to the number of ten, more or less, did willfully, feloniously, and with malice aforethought, murder and kill Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Sabarboro, and Dolores Dingli by shooting them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, with guns and stabbing them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, with lances and bolos held in the hands of the said Pedro Mara and of the said outlaws, inflicting wounds therewith whereof they, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, then and there died. This in time of insurrection, on or about February 17, 1900, at or near the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., a place then, as now, in the theater of military operations.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty, excepting the words ‘shooting them, the said Docosin, Tabaldo, Prado, Sabarboro, and Dingli, with guns and’; and of the excepted words not guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Pedro Mara, native, “to be confined at hard labor at such place as the reviewing authority may direct for a period of twenty (20) years.”

In the foregoing case it appears that the accused, Pedro Mara, was one of a band of outlaws (tulisanes) that entered the barrio of Namipitan, pueblo of Binalonan, province of Pangasinan, P. I., February 17, 1900, seized, bound, and carried to the fields four native men and one native woman, where they were then and there murdered with bolos and lances by members of said band.

Although this accused is not shown to have personally struck any of the fatal blows, his criminal responsibility for the acts of the notorious associates with whom he was banded for purposes of robbery and murder, is conclusive in law.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 28, 1901.

General orders, No. 297.

Before a military commission which convened at Iba, Zambales, Luzon, P. I., pursuant to paragraph 4, Special orders, No. 148, Headquarters Department of Northern

Luzon, September 23, 1900, and of which Capt. Harry A. Leonhaeuser, 25th U. S. Infantry, was president, and 2d Lieutenant Harol D. Coburn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Toribio Muyano, a native.

CHARGE.—“Murder.”

Specification.—“In that he, Toribio Muyano, a native of the Philippine Islands, did willfully, feloniously, and with malice aforethought, kill and murder one Matias de Guzman, a native of the Philippine Islands, by stabbing and cutting the said Matias de Guzman with a bolo or other sharp instrument held in the hands of the said Toribio Muyano, inflicting wounds from which the said Matias de Guzman did then and there or presently after die. This at or near the barrio Longos, pueblo of Santa Cruz, Province of Zambales, Luzon, P. I., on or about the 17th day of February, 1901, during a time then, as now, of insurrection at a place then, as now, under the jurisdiction of the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Toribio Muyano, a native “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case it appears that this accused, Toribio Muyano, while fishing in certain preserves under the care and charge of deceased at the barrio Longos, Santa Cruz, Zambales, was ordered to desist by deceased and threatened with prosecution for trespass. In a dispute which followed this accused killed deceased with a bolo. The accused fully confessed the part he took in the commission of this crime, and the degree of its premeditation fully justifies the sentence.

The sentence, approved by the department commander, is confirmed, but, in accordance with his recommendation, is commuted to imprisonment at hard labor for the period of thirty years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October, 7, 1901.

General Orders, No. 304.

Before a military commission which convened at Gerona, Tarlac, Luzon, P. I., pursuant to paragraph 7, Special Orders No. 79, Headquarters Department of Northern Luzon, March 22, 1901, and of which Captain Charles W. Abbot, jr., 12th U. S. Infantry, was president, and Captain George W. Kirkman, 12th U. S. Infantry, was judge-advocate, were arraigned and tried: Juan Victoria, and Juan Tiaño, natives.

CHARGE I.—“Assault with intent to kill.”

Specification.—“In that Juan Victoria and Juan Tiaño, natives, and each of them, did, make a violent assault upon Romano Debino, by cutting and stabbing him with bolos or other sharp instruments held in the hands of the said Juan Victoria and Juan Tiaño, natives, with the intent then and there feloniously, wilfully and with malice aforethought, to kill and murder the said Romano Debino. This in time then, as now, of insurrection, and within the theatre of military operations on or about the 4th day of December, 1900, at or near the barrio of San Augustin, Pueblo of San Juan de Guimba, Province of Nueva Ecija, P. I.”

CHARGE II.—“Assault with intent to do bodily harm.”

Specification.—“In that Juan Victoria and Juan Tiaño, natives, and each of them, residents of the Province of Nueva Ecija, P. I., did on or about the 4th day of December, 1900, a time then, as now, of insurrection and within the theatre of military operations, feloniously and forcibly, bodily seize and carry away from his home and against his will one Romano Debino, a native, since which time he has not been seen or heard from. This in the barrio of San Augustin, Pueblo of San Juan de Guimba, Nueva Ecija, Luzon, P. I.”

PLEAS.—“Not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, except the words, ‘by cutting and stabbing him with bolos or other sharp instruments held in the hands of the said Juan Victoria, Enrique Victoria, and Juan Tiaña, natives,’ substituting therefor the words ‘by choking him;’ of the excepted words not guilty and of the substituted words guilty.” Of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Juan Victoria, and

Juan Tiaño, natives, and each of them, "To be confined at hard labor at such place as the reviewing authority may direct, for the period of their natural lives."

In the foregoing case it appears that these accused, Juan Victoria and Juan Tiaño, at San Augustin, Nueva Ecija, about December 4, 1900, forcibly seized, feloniously assaulted and carried away, against his will, one Romano Debino, who has not since been seen or heard of, and that the motive rested on the personal animosity of accused Juan Victoria, against the victim.

The seizure, assault, and kidnapping are fully proven of record, and a strong presumption that the victim was killed arises from his permanent disappearance. No testimony, denial, or explanation is offered by either of the accused.

It is noted that the name of Enrique Victoria erroneously appears in the finding of the commission, but with no further legal effect than mere surplusage.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place these prisoners, Juan Victoria and Juan Tiaño, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 7, 1901.

General Orders, No. 305.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 8, Special Orders, No. 194, Headquarters Department of Southern Luzon, July 13, 1901, and of which Lieutenant-Colonel John G. Leefe, 30th U. S. Infantry, was president and Captain Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Fausto Ordiales, a native.

CHARGE I.—"Kidnaping."

Specification 1.—"In that Fausto Ordiales, native, while a prisoner in charge of native policeman Doroteo Mateo, did feloniously assault and forcibly kidnap the said policeman Doroteo Mateo. This in time of insurrection, at or near the barrio of Lico, in the town of Pasay, a place under the military government of the United States, on or about the 26th day of January, 1901."

Specification 2.—"In that Fausto Ordiales, native, did enter the house of Miguela Vizcarra and feloniously kidnap a certain Maria Vizcarra against her will or consent. This in time of insurrection, at or near the barrio of Tabon, in the town of Pasay, a place under the military government of the United States, on a certain Saturday night in the month of March, 1899."

Specification 3.—"In that Fausto Ordiales, native, did feloniously kidnap a certain Feliciana Vasques against her will or consent. This in time of insurrection, at or near the town of Pasay, a place under the military government of the United States, on or about the 26th day of January, 1901."

CHARGE II.—"Committing rape."

Specification.—"In that Fausto Ordiales, native, did threaten to commit bodily injury on a certain Feliciana Vasques and by means of such threats did succeed in having carnal knowledge with her and accomplish the crime of rape on the said Feliciana Vasques against her will or consent. This in time of insurrection, at or near the town of Pasay, P. I., a place under the military government of the United States, on or about the 26th day of January, 1901."

CHARGE III.—"Assault with intent to kill."

Specification 1.—"In that Fausto Ordiales, native, did feloniously assault and attempt to kill a certain Maria Vizcarra by shooting at her divers times with a certain firearm, to wit, one revolver, then in the possession of the said Fausto Ordiales, native. This in time of insurrection, in the vicinity of the town of Pasay, P. I., a place under the military government of the United States, between the hours of a certain Saturday night and Sunday morning, in the month of March, 1899."

Specification 2.—"In that Fausto Ordiales, native, did feloniously assault and attempt to kill a certain Maria Vizcarra with a certain sharp instrument then in the possession of the said Fausto Ordiales, native. This in time of insurrection, in the vicinity of the town of Pasay, P. I., a place under the military government of the United States, between the hours of a certain Saturday night and Sunday morning in the month of March, 1899."

CHARGE IV.—"Robbery."

Specification 1.—"In that Fausto Ordiales, native, did, in company with divers unknown persons, feloniously enter the house of Miguela Vizcarra and did rob and take from the said house of Miguela Vizcarra divers articles and moneys, to wit, one

(1) gold rosary, one (1) tumbago rosary, two (2) gold hair combs, one (1) gold needle with some small pearls, one (1) gold charm with a silver attachment and topaz stones, one (1) silver pin with topaz stones, one (1) tumbago pin, two (2) relic holders with tumbago, two (2) desert spoons, and thirty (30) pesos in silver, this contrary to the wish or consent of the said Miguela Vizcarra. This in time of insurrection, in the town of Pasay, P. I., a place under the military government of the United States, on a certain Saturday night in the month of March, 1899."

Specification 2.—"In that Fausto Ordiales, native, did enter the premises of Bernardino Vy Tiaco and in company with divers other persons did feloniously rob and take from him two (2) carabaos and one (1) horse, the property of the said Bernardino Vy Tiaco; this against the wish or consent of the said Bernardino Vy Tiaco. This in time of insurrection, in the town of Pasay, P. I., a place under the military government of the United States, on or about the 26th day of January, 1901."

Specification 3.—"In that Fausto Ordiales, native, did feloniously aid in the robbery and taking from the person of Doroteo Mateo one (1) shotgun, the property of the United States, and a certain sum of money, to wit, eleven pesos and seventy cents (11.70 pesos), belonging to the said Doroteo Mateo; this against his will or consent. This in time of insurrection, in or near the town of Pasay, P. I., a place under the military government of the United States, on or about the 26th day of January, 1901."

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty, except of the words 'enter the house of Miguela Vizcarra and,' and of the excepted words, not guilty;" of the third specification, first charge, "guilty;" of the first charge, "guilty;" of the specification, second charge, "not guilty;" of the second charge, "not guilty;" of the first specification, third charge, "guilty;" of the second specification, third charge, "guilty;" of the third charge, "guilty;" of the first specification, fourth charge, "guilty, except of the words 'feloniously enter the house of Miguela Vizcarra and did,' and of the excepted words, not guilty;" of the second specification, fourth charge, "guilty;" of the third specification, fourth charge, "guilty;" of the fourth charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Fausto Ordiales, native, "To be confined at hard labor, at such a place as the reviewing authority may direct, for twenty years."

In the foregoing case it appears that this accused, Fausto Ordiales, an alleged major of a band of so-called insurgents, while in the custody of a native policeman, Doroteo Mateo, was rescued by his followers, who then disarmed and kidnaped said Mateo at Pasay; that in March, 1889, he kidnaped a native woman, Maria Vizcarra, whom he subsequently assaulted with intent to kill by shooting her with a revolver and stabbing her, and in January, 1901, he kidnaped another woman, Feliciano Vasquez, whom he compelled to live with him as his mistress. Accused is shown to have forcibly robbed one Miguela Vizcarra of jewelry and money, and to have likewise robbed one Bernardino Vy Tiaco of two carabaos and one horse.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place this accused, Fausto Ordiales, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 7, 1901.

General Orders, No. 306.

Before a military commission which convened at Iba, Zambales, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 148, Headquarters Department of Northern Luzon, September 23, 1900, and of which Capt. Harry A. Leonhaeuser, 25th U. S. Infantry, was president, and Second Lieut. Harol D. Coburn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried: Monico Escalante, native.

CHARGE.—"Murder."

Specification.—"In that Monico Escalante, a native resident of Candelaria, Zambales, P. I., did, consorting with a band of outlaws, number unknown, under his command on or about March 25, 1900, in time of insurrection near Quinatobanan, a barrio of Candelaria, Zambales, P. I., a place within territory occupied by United States troops, feloniously and with malice aforethought kill and murder José Honrobia, a native, inflicting on him wounds by striking him with bolos and a club held in the hands of said Escalante and of said band, from which the said José Honrobia, then and there died."

PLEA.—“Not guilty.”

FINDING.—Of the specification, “guilty, except the word ‘bolos,’ substituting therefor the words ‘the butt of a gun,’ and of the excepted word, not guilty, and of the substituted words guilty. Of the charge, ‘guilty.’”

SENTENCE.—And the commission does therefore sentence him, Monico Escalante, native, “To be confined at hard labor, at such place as the reviewing authority may direct, for the term of his natural life.”

In the foregoing case it appears that this accused, Monico Escalante, in company of and a leader of an armed band of outlaws, repaired to a house at Candelaria, Zambales, in the night time, on March 25, 1900, seized therefrom one José Honrobia, bound him, conveyed him to the fields, and killed him by striking him with a club and the butt of a rifle. No motive for the crime appears of record.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which place this accused, Monico Escalante, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 18, 1901.

General Orders, No. 317.

Before a military commission which convened at Palanoc, island of Masbate, P. I., pursuant to paragraph 5, Special Orders, No. 11, Headquarters Department of Southern Luzon, January 11, 1901, and of which Captain Abner Pickering, 2d U. S. Infantry, was president, and Captain Peter E. Marquart, 2d U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Cornelio Largo, Gobino Lachaco, and Parlencio Oliap, natives.

CHARGE.—“Murder.”

Specification.—“In that Cornelio Largo, Gobino Lachaco, and Parlencio Oliap, natives, and each of them, did feloniously and with malice aforethought murder and kill Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Severo Echevarria, Luciano Echevarria, Candido de los Reyes, Dionicio Bedarugga, and Antonio Caldeville, natives, and each of them, by shooting, cutting, stabbing, and striking them, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Severo Echevarria, Luciano Echevarria, Candido de los Reyes, Dionicio Bedarugga, and Antonio Caldeville, with guns, revolvers, knives, bolos, and clubs held in the hands of the said Cornelio Largo, Gobino Lachaco, and Parlencio Oliap, then and there inflicting upon the persons of the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Severo Echevarria, Luciano Echevarria, Candido de los Reyes, Dionicio Bedarugga, and Antonio Caldeville wounds whereof they, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Severo Echevarria, Luciano Echevarria, Candido de los Reyes, Dionicio Bedarugga, and Antonio Caldeville, and each one of them, then and there died. This at or near the pueblo of Naro, island of Masbate, P. I., on the 14th day of August, 1900. This in time of insurrection and while the said island of Masbate was under jurisdiction of the United States.”

PLEAS.—“Not guilty.”

FINDINGS.—Cornelio Largo, “guilty.” Gobino Lachaco and Parlencio Oliap, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Cornelio Largo, native, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

And the commission does therefore “acquit” them, Gobino Lachaco and Parlencio Oliap, natives, and each of them.

II. Pedro Alendido, native.

CHARGE.—Murder.

Specification.—“In that Pedro Atendido, Augustin Sagalo, Pedro Abejero, and Quintin Macaydor, natives, and each of them, did feloniously and with malice aforethought murder and kill Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candido de los Reyes, Dionicio Bedarugga and Antonio Caldeville, natives, and each of them, by shooting, cutting, stabbing, and striking them, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candido de los Reyes, Dionicio Bedarugga, and Antonio Caldeville with guns, revolv-

ers, knives, bolos, and clubs, held in the hands of the said Pedro Atendido, Augustin Sagalo, Pedro Abejero, and Quintin Macaydor, then and there inflicting upon the persons of the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candido de los Reyes, Dionicio Bedarugga, and Antonio Caldeville, wounds whereof they, the said Antonio Echevarria, Juan Echevarria, Julian Echevarria, Ysabel Echevarria, Niconedas Echevarria, Lucio Echevarria, Severo Echevarria, Luciano Echevarria, Candido de los Reyes, Dionicio Bedarugga, and Antonio Caldeville, and each of them, then and there died. This at or near the pueblo of Faro, island of Masbate, P. I., on the 14th day of August, 1900."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Pedro Atendido, native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing cases it appears that these accused, Pedro Atendido and Cornelio Largo, in company of and consorting with an armed band of tulisanes, killed with bolos, rifles, and daggers eleven members of the Echevarria family at Naro, Masbate, August 14, 1900, for the sole reason that the victims were Spaniards. Women and children were included in the killings, and the dead bodies were subsequently tied up in sacks and thrown into the river.

No reasonable doubt as to the active participation of the accused in the barbarous crime arises from the record. As, however, the more responsible participators in this crime have paid the penalty thereof with their lives, the sentences against these accused, Pedro Atendido and Cornelio Largo, are commuted to imprisonment at hard labor for the period of their natural lives. As thus commuted, the sentences will be duly executed at the Presidio de Manila, to which these prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 22, 1901.

General Orders, No. 322.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 4, Special Orders, No. 23, headquarters provost-marshal-general (Separate Brigade, Provost Guard), January 30, 1901, and of which Major William H. Bishop, 36th Infantry, United States Volunteers, was president, and Captain Warren H. Ickis, 36th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Pedro Franco, a native.

CHARGE.—"Murder."

Specification.—"In that he, Pedro Franco, native, on or about the first day of February, 1901, a time then, as now, of insurrection against the lawful authority of the United States, at Manila, Luzon, P. I., a place then, as now, occupied by the troops of the United States, did willfully, feloniously and with malice aforethought kill and murder one Engracio Marty, alias Eugenio Marte, a native, by stabbing him, the said Marty, alias Marte, with a dangerous weapon, the exact description of which is unknown, then and there had and held in the hands of the said Pedro Franco, inflicting wounds therewith upon the person of the said Marty, alias Marte, whereof the said Marty, alias Marte, then and there died."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, the said Pedro Franco, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for twenty-five (25) years."

In the foregoing case it appears that this accused, Pedro Franco, stabbed in the abdomen and killed one Engracio Marty, on the streets of Manila, about February 1, 1901. The declaration of deceased before death and contradictory statements of accused preclude the probability of the killing being justifiable as contended by the defense.

The sentence, approved by the convening authority, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 22, 1901.

General Orders, No. 323.

Before a military commission which convened at Capiz, Panay, P. I., pursuant to paragraph 4, Special Orders, No. 139, May 31, 1901, Headquarters Department of the Visayas, and of which Captain William F. Grote, 18th U. S. Infantry, was president, and 1st Lieutenant Walter S. McBroom, 18th U. S. Infantry, was judge-advocate, was arraigned and tried Florentino Oreta, a native.

CHARGE.—“Murder.”

Specification.—“In that on or about the 2d day of March, 1901, then as now a time of insurrection against the authority of the United States, at or near the barrio of Agmalobo, Pueblo of Ivisan, Province of Capiz, Island of Panay, P. I., a place then as now under the military government and jurisdiction of the United States, one Florentino Oreta, a native, did willfully, feloniously, and with malice aforethought kill and murder one Francisco Oreta, by stabbing him three times, twice in the left breast near the left nipple and once in the stomach, with a bolo or other sharp-pointed instrument held in the hands of the said Florentino Oreta, from which wounds, inflicted as aforesaid, the said Francisco Oreta did then and there die.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Florentino Oreta, a native, “To be confined at hard labor at such place as the reviewing authority may direct for the period of his natural life.”

In the foregoing case it appears that the accused, Florentino Oreta, about March 2, 1901, at barrio of Agmalobo, Island of Panay, stabbed and killed his brother Francisco Oreta in consequence of a quarrel arising out of deceased attempting to induce accused to join the insurgents under threat of death in the event of his refusal. Although the actual killing is presumptively proven by a complete chain of circumstantial evidence and admitted by accused, no eyewitness saw the scene and the record is silent as to whether the deed was done in the heat of struggle.

The sentence, approved by the department commander, is confirmed but mitigated to imprisonment at hard labor for the term of twenty years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 25, 1901.

General Orders, No. 327.

Before a military commission which convened at Iloilo, Panay, P. I., pursuant to paragraph 3, Special Orders, No. 70, Headquarters Department of the Visayas, March 16, 1901, and of which Major Henry S. Turrill, surgeon, U. S. Army, was president, and Captain Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Juan Olivar, a native.

CHARGE I.—“Murder.”

Specification.—“In that Juan Olivar, a native, on or about the 11th day of July, 1900, then as now, a time of insurrection, at or near the barrio of Anero, pueblo of Mina, Province of Iloilo, Panay, P. I., a place, then as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws, the number unknown, commanded and led by the said Juan Olivar, did, willfully, feloniously, unlawfully, and with malice aforethought kill and murder one Teodoro Labrador, native, by cutting and wounding him, the said Teodoro Labrador, with sharp instruments, to wit, bolos, held in the hands of the said Juan Olivar, and each and every of the said band of armed outlaws, whereof he, the said Teodoro Labrador, then and there died.”

CHARGE II.—“Assault and battery, in violation of the laws and usages of war.”

Specification.—“In that Juan Olivar, a native, on or about the 11th day of July, 1900, then as now, a time of insurrection, at or near the barrio of Anero, pueblo of Mina, Province of Iloilo, Panay, P. I., a place, then as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws, to the number unknown, did feloniously, willfully, unlawfully, and without just provocation assault one Teodoro Labrador, a native, and him, the said Teodoro Labrador, he the said Juan Olivar, did beat, wound, and illtreat with bolos and guns, with intent him, the said Teodoro Labrador, to kill and murder.”

CHARGE III.—“Robbery, in violation of the laws and usages of war.”

Specification.—“In that Juan Olivar, a native, on or about the 11th day of July, 1900, then as now, a time of insurrection at or near the barrio of Anero, pueblo of Mina, Province of Iloilo, Panay, P. I., a place, then as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number unknown, did willfully and feloniously take, steal, and carry away 78 carabao, to the value of \$1,560, Mexican currency; one (1) cow, to the value of \$20, Mexican currency; 800 pesos, to the value of \$400, United States currency; two guns, each of the value of \$2; one revolver, to the value of \$2, the property of and in the lawful possession of Teodoro Labrador, a native, with the intention to deprive him, the said Teodoro Labrador, of the use thereof and to convert the same to his own use and purposes, and to the use and purposes of each and every of his companions.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Juan Olivar, native, “to be hanged by the neck till dead, at such time and place as may be directed by the reviewing authority, two-thirds of the members concurring in the death sentence.”

In the foregoing case it appears that this accused, Juan Olivar, was the leader of a band of ladrones that made an attack upon the house of Teodoro Labrador, then presidente of Mina, Panay, captured him, his brother, wife, grandmother, godmother, small daughter, and a policeman. The grandmother, godmother, and daughter were shot to death in the vicinity of the capture, Labrador, his wife, and the policeman were conveyed to an isolated spot and killed with bolos, while the brother effected his escape. Incidentally the accused and his band robbed Labrador of 78 carabao, one cow, 800 pesos, 2 guns, and one revolver.

On the above state of facts, accused is charged solely with the murder of Labrador, assault upon him with intent to kill, and robbery. Of these charges he is found guilty. Why the brutal murder of three women, one small girl, and the policeman were not included in the charges is not understood, and the finding of the commission that accused is guilty of murder of Labrador, and also guilty of assault upon him with intent to kill, is legally illogical, as the latter offense is a minor one included in the former, the greater comprehending the lesser. For this reason the finding relating to the 2d charge is disapproved.

The sentence, approved by the department commander, is confirmed and will be duly executed against this accused, Juan Olivar, at Iloilo, Panay, P. I., on the sixth (6th) day of December, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 25, 1901.

General Orders, No. 328.

Before a military commission, which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 9, Special Orders, No. 143, Headquarters Department of Northern Luzon, May 25, 1901, and of which Lieutenant-Colonel Samuel M. Swigert, 13th U. S. Cavalry, was president, and Captain Edward Sigerfoos, 5th U. S. Infantry, was judge-advocate, was arraigned and tried Lorenzo Andaya, a native.

CHARGE.—“Murder, in violation of the laws of war.”

Specification 1.—“In that he, Lorenzo Andaya, native, of Tagudin, Ilocos Sur, did, willfully, feloniously, and with malice aforethought kill and murder one Pedro Carino, a peaceful inhabitant of Amaraio, San Jose, Ilocos Sur, by striking him with an iron bar held in the hands of the said Lorenzo Andaya, inflicting wounds whereof the said Pedro Carino then and there died. This at or near Rancheria Quintabungao, San Jose, Ilocos Sur, Luzon, P. I., territory occupied by U. S. forces on or about January, 1901, a time of insurrection.”

Specification 2.—“In that he, Lorenzo Andaya, native, of Tagudin, Ilocos Sur, did, willfully, feloniously, and with malice aforethought, kill and murder one Gregorio Paredes, a peaceful native of Santa Cruz, Ilocos Sur, Luzon, P. I., by striking him with an iron bar held in the hands of the said Lorenzo Andaya, a native of Tagudin, Ilocos Sur, inflicting wounds whereof the said Paredes then and there died. This at or near Rancheria Mapolina, San Jose, Ilocos Sur, Luzon, P. I., territory occupied by U. S. forces, on or about March, 1901, a time of insurrection.”

PLEA.—To the first specification, “guilty, excepting the words, ‘willfully, feloni-

ously, and with malice aforethought,' and the words, 'and murder;' to the excepted words, not guilty." To the second specification, "not guilty." To the charge, "not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Lorenzo Andaya, a native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Lorenzo Andaya, native, it appears the accused was an insurgent soldier, and that having received an order from his chief to kill two peaceful men who had been denounced as American spies, he, with ready alacrity, performed his murderous task substantially in the manner and form as charged.

In this, as in numberless other cases, a prominent feature is the unreasoning obedience of the Filipino to his chief. If the accused had even a faint perception of the truth that the order of his chief was unlawful he made no sign, but rather by his ready compliance therewith raised the presumption that he was gratifying his own inclination in taking the lives of his peaceful neighbors.

As guerrilla and all other bandit chiefs have no shadow of lawful authority to take the lives of the inhabitants of these islands, and as it is the duty of the United States to protect all in the enjoyment of their lives and property, the warning, often given, will be repeated until all shall heed it, that both the chiefs who order and the followers who obey their orders to do murder must, upon conviction thereof, expect to suffer the extreme penalties of the law.

Filipino men should learn to exercise their courage and manly discretion by refusing to do murder merely because some infamous chief tells them so to do.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of fifteen (15) years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which the accused will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 26, 1901.

General Orders, No. 329.

Before a military commission which convened at Iloilo, Panay, P. I., pursuant to paragraph 3, Special Orders, No. 70, Headquarters Department of the Visayas, March 16, 1901, and of which Lieutenant-Colonel Charles J. Crane, 38th Infantry, U. S. Volunteers, was president, and Captain Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Ygnacio Siaotong, a native.

CHARGE.—"Murder."

Specification.—"In that on or about the fifteenth day of September, 1900, then as now a time of insurrection, at or near the pueblo of Baratoc Nuevo, island of Panay, P. I., a place then as now under the military government and occupation of the United States, one Ygnacio Siaotong, a native, in company of and consorting with one Margarite Robles, a native, did violently and forcibly assault and detain one Consolacion Baston, a native woman, and did willfully, feloniously, and with malice aforethought, kill and murder the said Consolacion Baston, a native woman, in the manner and form following, to wit: By then and there digging and causing to be dug a grave or hole in the ground, and by then and there, forcibly and against her will, placing or causing to be placed the said Consolacion Baston in said grave or hole in the ground, thereafter refilling the said grave or hole in the ground so dug as aforesaid, covering the body of the said Consolacion Baston, while still alive, with dirt to the depth of three (3) or more feet, thereby then and there and in the manner and form as aforesaid causing the death of the said Consolacion Baston."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Ygnacio Siaotong, native, "to be hanged by the neck till dead, at such time and place as the reviewing authority may designate, two-thirds of the members concurring in the death sentence."

In the foregoing case it appears that this accused, Ygnacio Siaotong, was an insurgent leader of volunteers operating against the American Government after having taken the oath of allegiance to that Government; that on September 15, 1900, at

Baratoc Nuevo, Panay, he forcibly seized a native woman suspected of friendliness to the Americans and caused his followers to convey her to an isolated spot in the fields where a newly-made grave had been prepared. Into this grave his victim was made to lie down and be suffocated with the earth filled in upon her.

No reasonable doubt as to the full guilt of accused in this barbarous and most cowardly murder of a defenseless woman arises from the evidence.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Baratoc Nuevo, Panay, P. I., on the thirteenth (13th) day of December, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 26, 1901.

General Orders, No. 330.

Before a military commission which convened at Baliuag, province of Bulacan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 212, Headquarters Department of Northern Luzon, August 6, 1901, and of which Captain James H. McRae, 3d U. S. Infantry, was president and 2d Lieutenant Robert I. Rees, 3d U. S. Infantry, was judge-advocate, was arraigned and tried Luis Bernabe, a native.

CHARGE.—“Murder.”

Specification.—“In that he, Luis Bernabe, a so-called sergeant of insurgents, on or about the 31st day of October, 1900, then as now a time of insurrection, at or near the sitio of Culoong, pueblo of San José, Bulacan, P. I., a place then as now under the military authority of the United States, in company of and consorting with a band of outlaws armed with rifles and bolos, numbers and names unknown, did willfully, feloniously, and with malice aforethought kill and murder Francisco Pascual and Cayetano Pascual, by striking them, and causing them to be struck, with bolos held in the hands of members of said band, inflicting therewith wounds from which said Francisco Pascual and Cayetano Pascual, and each of them, then and there, or shortly afterwards, died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Luis Bernabe, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring.”

In the foregoing case it appears that the accused, Luis Bernabe, an insurgent sergeant, in company of soldiers under his command seized at Culoong, San José, Bulacan, about October 31, 1900, two natives suspected of friendliness to the Americans, conveyed them to an insurgent camp and there stabbed them to death.

The seizure of peaceful natives in their homes and murdering them merely because they are accused by some evil-minded persons of being Americanistas is not war but wanton assassination. The commanding general owes to all law-abiding men the most effective means in his power for their protection, and the warning, often given, is repeated that all who order and all who engage in the murder of men friendly to the Americans or for any other unlawful motive must expect the extreme penalty of the law.

No mitigating circumstances appear of record in this case nor doubt of the criminal responsibility of this accused as a principal for the crime charged.

The sentence, approved by the department commander, is confirmed and will be duly executed at Baliuag, province of Bulacan, Luzon, P. I., on the twenty-second (22d) day of November, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 26, 1901.

General Orders, No. 331.

Before a military commission which convened at Capiz, Panay, P. I., pursuant to paragraph 4, Special Orders, No. 229, Headquarters Department of the Visayas, December 19, 1900, and of which Capt. David C. Shanks, 18th U. S. Infantry, was

president, and First Lieut. Ora E. Hunt, 18th U. S. Infantry, was judge-advocate, was arraigned and tried Raymundo Fonte, a native.

CHARGE.—“Murder.”

Specification.—“In that on or about the 19th day of December, A. D. 1900, then as now a time of insurrection against the authority of the United States, at or near the pueblo of Panay, Island of Panay, Philippine Islands, a place then as now under the military jurisdiction and government of the United States, one Raymundo Fonte, a native, did feloniously, willfully, and with malice aforethought kill and murder one Liberato Benliro, a native, by striking him a blow or blows upon the throat with a sharp instrument commonly called a *saguan*, held in the hands of the aforesaid Raymundo Fonte, from which blows the said Liberato Benliro then and there died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Raymundo Fonte, native, “to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case it appears that this accused Raymundo Fonte, about December 19, 1900, near the pueblo of Panay, Island of Panay, angered by his working companion, Liberato Benliro, sleeping in his boat, killed him with a blow of an oar, then cut off his ears and nose, took out his liver and intestines, and, according to his confession, cooked and ate the same.

The sentence, approved by the department commander, is confirmed and will be duly executed at Capiz, Panay, P. I., on the thirteenth (13th) day of December, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

By command of Major General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 29, 1901.

General Orders, No. 333.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 9, Special Orders, No. 143, Headquarters Department of Northern Luzon, May 25, 1901, and of which Lieutenant-Colonel Samuel M. Swigert, 13th U. S. Cavalry, was president, and Captain Edward Sigerfoos, 5th U. S. Infantry, was judge-advocate, were arraigned and tried:

Espiritu Flora, Mariano Abellera, Innocencio Abellera, Calixto Genove, Pelagio Loada, Ancelmo Balancio, Cayetano Abellera, Aniceta Flora, Bartolome Soriano, Alejandro Genove, Isidoro Genove, Placido Padoan, and Eleno Soriano, natives.

CHARGE I.—“Murder.”

Specification.—“In that Espiritu Flora, Mariano Abellera, Innocencio Abellera, Calixto Genove, Pelagio Loada, Ancelmo Balancio, Cayetano Abellera, Aniceta Flora, Bartolome Soriano, Alejandro Genove, Isidoro Genove, Placido Padoan, and Eleno Soriano, consorting with each other as a band of outlaws under the leadership of one Mateo Sandoval, did willfully, feloniously, and with malice aforethought attack, kill, and murder Gevino Estavillo, Mariano Sabado, Cesario Sabada, Isidoro Estipular, Narcisco Tangalin, Leon Rilles, Maximo Dumo, all of them peaceful natives of the pueblo of Naguillian, Union Province, with bolos, inflicting upon each of them wounds of which they did, each and all, there and then die. This in the barrio of Magungunay, pueblo of Naguillian, Union Province, a place then, as now, in territory occupied by United States forces, on or about December 15, 1900, then, as now, in time of insurrection against the United States.”

CHARGE II.—“Assault with intent to kill.”

Specification.—“In that the said Espiritu Flora, Mariano Abellera, Innocencio Abellera, Calixto Genove, Pelagio Loada, Ancelmo Balancio, Cayetano Abellera, Aniceta Flora, Bartolome Soriano, Alejandro Genove, Isidoro Genove, Placido Padoan, and Eleno Soriano, consorting with each other as a band of outlaws under the leadership of one Mateo Sandoval, did assault with intent to kill one Potenciano Floresca, with bolos in the hands of the said outlaws. This at the barrio of Magungunay, pueblo of Naguillian, province of Union, a place then as now, in territory occupied by the United States forces, on or about December 15, 1900, then as now in time of insurrection against the United States.”

PLEA.—“Not guilty.”

FINDING.—Espiritu Flora, Mariano Abellera, Innocencio Abellera, Calixto Genove, Pelagio Loado, and Ancelmo Balancio, and each of them, "guilty."

Cayetano Abellera, Aniceta Flora, Bartolome Soriano, Alejandro Genove, Isidoro Genove, Placido Padoan, and Eleno Soriano, and each of them, "not guilty."

SENTENCE.—And the commission does therefore sentence them, Espiritu Flora, Mariano Abellera, Innocencio Abellera, Calixto Genove, Pelagio Loada, and Ancelmo Balancio, natives, and each of them, "to be confined at hard labor at such place as the reviewing authority may direct, for a period of twenty years."

And the commission does therefore "acquit" Cayetano Abellera, Aniceta Flora, Bartolome Soriano, Alejandro Genove, Isidoro Genove, Placido Padoan, and Eleno Soriano, and each of them.

In the foregoing case of Espiritu Flora, Mariano Abellera, Innocencio Abellera, Calixto Genove, Pelagio Loada, Ancelmo Balancio, Cayetano Abellera, Aniceta Flora, Bartolome Soriano, Alejandro Genove, Isidoro Genove, Placido Padoan, and Eleno Soriano, natives, who were jointly tried, it appears from the evidence that of these accused, Espiritu Flora, Mariano Abellera, Innocencio Abellera, Calixto Genove, Pelagio Loada, and Ancelmo Balancio, were outlaws; and as a band assaulted and killed with bolos five peaceful natives, who were returning from work on a building being constructed for the American troops, and also two other men, natives, by taking said two natives from their homes, boling them to death and incidentally robbing the wife of one of the deceased of 20 pesos and other valuables.

Of the party of whom five were hacked to death with bolos, one, left for dead, revived, and after three months in hospital recovered from his wounds. From his testimony, the dying declaration of one, and the testimony of the wife of another of the victims, corroborated by circumstantial evidence, six of these accused were identified, beyond a reasonable doubt, as active participators in this crime.

The sentence, approved by the department commander, is confirmed against Espiritu Flora, Mariano Abellera, Innocencio Abellera, Calixto Genove, Pelagio Loada, and Ancelmo Balancio, and will be duly executed at the Presidio de Manila, to which they and each of them will be sent under proper guard.

The accused Cayetano Abellera, Aniceta Flora, Bartolome Soriano, Alejandro Genove, Isidoro Genove, Placido Padoan, and Eleno Soriano, and each of them, will be released from confinement.

By command of Major-General Chaffee.

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 6, 1901.

General Orders, No. 339.

Before a military commission which convened at San Felipe Neri, Province of Manila, Luzon, P. I., pursuant to paragraph 14, Special Orders, No. 56, Headquarters Department of Northern Luzon, February 27, 1901, and of which Major Calvin D. Cowles, 17th U. S. Infantry, was president, and 1st Lieutenant Charles R. Howland, 20th U. S. Infantry, was judge-advocate, were arraigned and tried:

Leonardo de Posoy, Caledonio Javier, Pablo Anorma, Florentio Antonio, alias "Prudencio," Santiago Gadapia, alias "Baldado," Pastor Santos, and Francisco Felizardo, alias "Quicoy," natives.

CHARGE.—"Murder."

Specification 1.—"In that Leonardo de Posoy, Caledonio Javier, Pablo Anorma, Florentio Antonio, alias 'Prudencio,' Santiago Gadapia, alias 'Baldado,' Pastor Santos, and Francisco Felizardo, alias 'Quicoy,' natives, and each of them constituting, with others, names and numbers unknown, an armed band of outlaws, did wilfully, feloniously, and with malice aforethought, kill and murder one Felipe Escamilla, native, and one Honorio, last name unknown, native, by striking the said Felipe Escamilla, native, and the said Honorio, last name unknown, native, with a bar of iron or other blunt instrument, and by burying the said Felipe Escamilla, native, and the said Honorio, last name unknown, native, alive; thereby causing the death of the said Felipe Escamilla, native, and of the said Honorio, last name unknown, native. This on or about May 1, 1900, in the pueblo of Taytay, Province of Morong, Luzon, P. I., a place then, as now, occupied by the armed forces of the United States of America, and during a time then, as now, of insurrection against the United States of America."

Specification 2.—"In that Leonardo de Posoy, Caledonio Javier, Pablo Anorma, Florentio Antonio, alias 'Prudencio,' Santiago Gadapia, alias 'Baldado,' Pastor Santos, and Francisco Felizardo, alias 'Quicoy,' natives, and each of them, consti-

tuting, with others, names and numbers unknown, an armed band of outlaws; did, wilfully, feloniously, and with malice aforethought, kill and murder one Monico Garivalles, native, and one Gregorio Garivalles, native, by striking the said Monico Garivalles, native, and the said Gregorio Garivalles, native, with a bar of iron or other blunt instrument, and by burying the said Monico Garivalles, native, and the said Gregorio Garivalles, native, alive; thereby causing the death of the said Monico Garivalles, native, and the said Gregorio Garivalles, native. This on or about July 15, 1900, in the pueblo of Taytay, Province of Morong, Luzon, P. I., a place then, as now, occupied by the armed forces of the United States of America, and during a time then, as now, of insurrection against the United States of America."

Specification 3.—"In that Leonardo de Posoy, Caledonio Javier, Pablo Anorma, Florentio Antonio, alias 'Prudencio,' Santiago Gadapia, alias 'Baldado,' Pastor Santos, and Francisco Felizardo, alias 'Quicoy,' natives, and each of them, constituting, with others, names and numbers unknown, an armed band of outlaws, did, wilfully, feloniously, and with malice aforethought, kill and murder one Juan Lucas, native, by burying him, said Juan Lucas, alive, thereby causing the death of said Juan Lucas, native. This on or about August 15, 1900, in the pueblo of Taytay, Province of Morong, Luzon, P. I., a place then, as now, occupied by the armed forces of the United States of America, and during a time then, as now, of insurrection against the United States of America."

Specification 4.—"In that Leonardo de Posoy, Caledonio Javier, Pablo Anorma, Florentio Antonio, alias 'Prudencio,' Santiago Gadapia, alias 'Baldado,' Pastor Santos, and Francisco Felizardo, alias 'Quicoy,' natives, and each of them, constituting, with others, names and numbers unknown, an armed band of outlaws, did, wilfully and feloniously and with malice aforethought, kill and murder one Perfecto, last name unknown, native, by striking the said Perfecto, last name unknown, native, with bolos and with blunt instruments, inflicting thereby wounds whereof the said Perfecto, last name unknown, native, did then and there die."

"This on or about December 10, 1900, in the pueblo of Taytay, province of Morong, Luzon, P. I., a place, then as now, occupied by the armed forces of the United States of America, and during a time, then as now, of insurrection against the United States of America."

Upon motion of his counsel, the accused, Leonardo de Posoy, was granted a severance in the case, with leave for a separate trial.

The other accused, Caledonio Javier, Pablo Anorma, Florentio Antonio, alias "Prudencio," Santiago Gadapia, alias "Baldado," Pastor Santos, Francisco Felizardo, alias "Quicoy," all and each of them pleaded as follows:

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, the accused, Caledonio Javier, Pablo Anorma, Florentio Antonio, alias "Prudencio," Santiago Gadapia, alias "Baldado," Pastor Santos, and Francisco Felizardo, alias "Quicoy," and each of them, "to be hanged by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Caledonio Javier, Pablo Anorma, Florentio Antonio, alias "Prudencio," Santiago Gadapia, alias "Baldado," Pastor Santos, and Francisco Felizardo, alias "Quicoy," natives, who were jointly tried, the record covers more than 1,200 pages of typewritten matter, much of which is due to an unending contention between counsel for the accused and the judge-advocate, arising chiefly upon the theory of the prosecution that a conspiracy had been entered upon by these accused to accomplish the crimes charged. After sufficient evidence had been adduced to lay the foundation for the conspiracy, and the commission had repeatedly ruled upon the admissibility of the evidence upon its inception, progress, and accomplishment, counsel, in disregard of the rules of evidence and the repeated rulings of the commission, iterated and reiterated his objections in arguments of such wearisome length as to raise the presumption that his intent was more to vex the commission into some fatal irregularity than to aid in the elucidation of the truth.

Such a course of proceeding detracts from the dignity and value of any tribunal, and the commission would have been amply justified in imposing limits upon counsel by which half its time might have been saved and half the bulk of its padded record avoided.

For the future guidance of military commissions, a few of the well-established principles of law and procedure in cases of conspiracy, are here laid down.

The object of the conspiracy is only so far material as it may determine the character of the joint intent and agreement. It is not necessary to constitute the offense that the conspirators should have come together and agreed in express terms to unite

for a common object. An implied common understanding is sufficient so far as the combination or confederacy is concerned to constitute the offense. One accused of conspiracy need not be the original instigator of the criminal purpose. There is no material distinction in law between those who primarily form the design and those who subsequently enter into it with a knowledge of its character.

Coconspirators may be added to a conspiracy already complete by joining in the common intent and agreeing to further the design already entered upon by the original conspirators. A conspiracy to commit a crime of higher grade than the offense of conspiracy merges into the crime upon its accomplishment. Conspiracy may be proven inferentially by circumstantial evidence; not only may, but ordinarily must be so proven. The conspiracy once being formed, the act of one conspirator in pursuance thereof is binding upon and assumed to be the act of each and all of the others.

A commendable feature of this case is found in the evident intention of the commission to spread upon the record, for the benefit of the reviewing authority, evidence of the habits, customs, and moral perceptions of the residents of Taytay, taken as a typical community of natives, principally Tagals, living in the near vicinity of Manila; and by common knowledge now well known to be typical of the major part of the inhabitants of central and southern Luzon. Going outside of the strict limits of ordinary procedure for the purpose indicated is in accord with well-established military custom, and is especially valuable to the reviewing authority under the conditions prevailing in these islands.

It appears from the evidence that these accused were soldiers of the insurgent army prior to the time when it was dispersed by the American forces in November, 1899, after which the so-called insurgent government possessed neither a capital nor an army in the field, and resistance to the military forces and lawful government of the United States had, by proclamation of the insurgent chiefs, been expressly confined to guerrilla warfare as the only resource left to them for keeping alive the insurrection. These accused, abandoning even the show of open opposition of the half-uniformed guerrilla bands, left the field and took up their residence in Taytay, then protected by an American garrison. Following the proclaimed policy of the insurgent chiefs, these accused organized a bolo band in Taytay, of which the accused, Florentio Antonio, alias Prudencio, was the captain; Pastor Santos, first lieutenant; Celedonio Javier, second lieutenant, and Ramon Gadapia a sergeant. In all there were about twenty-five men in the bolo band. This band also possessed a few rifles, which they kept concealed in the neighborhood in charge of a trusted custodian. The men were not uniformed, but appeared in Taytay as ordinary citizens going about their peaceful pursuits; they had no regular cuartel or other known place of rendezvous, nor did they drill or give any outward sign of an existing organization. All their operations were conducted secretly and, it may be safely assumed, under an oath-bound obligation not to give information thereof to the American authorities. The commanding general having in general orders authorized the native population within the lines of the army of occupation to establish the forms of civil government, for the better protection of life and property, these accused, already established in authority as insurgent partisans, came forward under the leadership of a resident padre and suggested a time and place for holding an election, which the commanding officer, in accordance with the terms of the general order referred to (No. 43, of 1899), had authorized. An election was accordingly held, and these accused, as the evidence clearly shows, dictated and secured their election as municipal officers of Taytay, and entered upon their duties under American authority.

Of the accused, Celedonio Javier was elected presidente, Pastor Santos and Francisco Felixardo, aldermen, or cabezas of barrios, and Pablo Anorma was appointed teniente, or chief of police. In his civil capacity as presidente, Celedonia Javier was first in authority both as American presidente and insurgent presidente, which latter office he forthwith assumed and in which he was duly recognized by the insurgent chiefs. In his military capacity in the bolo band he was, however, subject to the captain, Florentio Antonio, alias Prudencio, and the 1st lieutenant, Pastor Santos; but it does not appear that these two accused ever assumed any authority in their military capacity over the presidente in his civil functions, who was obeyed therein with blind, unquestioning obedience by all.

In this relation judicial notice may be taken of the fact that throughout these islands, wherever a presidente of a pueblo or cabeza of a barrio was appointed or elected under American authority he, with few exceptions, either acted in the same capacity for the insurgents or maintained silence with respect to his neighbor who served in like capacity in the same jurisdiction. This dual form of government existed everywhere, in strongly garrisoned cities like Manila and in the smallest barrio alike; and all were doubtless oath-bound in the great Katipunan league. At least it is fully

established that efforts to so bind them have been diligently pursued. History affords no parallel of a whole people thus practically turning war traitors, and in the genius of no other people was ever found such masterful powers of secrecy and dissimulation; but it is needless to say that no powerful state was ever erected or ever can be erected upon such immoral and unenlightened foundations.

Having established themselves in all the places of trust and responsibility in the new civil government and of power as insurgent partisans, these accused now commenced the difficult task of serving two masters. In all lawful matters they served with due appearance of loyalty the American Government, while at the same time they labored secretly and diligently in the interest of the insurrection. In gross violation of the laws of war they secretly levied and collected taxes and exacted contributions from the people who, with universal accord, submitted silently thereto. They held communications with the enemy, and in all ways open to them gave to the guerrilla bands aid and comfort. They next entered upon a series of murders, and continued their deadly work until the growing number of persons mysteriously disappearing from the community lead to the discovery of these accused as the perpetrators.

No native inhabitant of Taytay opened his lips to the American authorities concerning the crimes being committed, and of which all had knowledge. It appears that, following the general instructions laid down by the insurgent chiefs, any man might be put to death by the local authorities if the public witnessed and approved the execution. Accordingly many of the people of Taytay assembled at night to witness the execution of the selected victims, and stood by at a short distance until the dead were buried, when they dispersed and made no sign of what had been done. As in all like cases, the people were warned that certain death would fall upon any one who disclosed the truth to the Americans.

The foregoing statement of facts are not denied by the defense, but justification is sought upon the grounds that these accused were following out a course laid down for them in the proclamations of the insurgent chiefs. To strengthen its contention the defense attempted to show that the murdered men deserved their fate, and that these accused were seeking the good of the community in taking their lives.

The sworn testimony of these accused before the commission will best illustrate the nature of the defense. Speaking of the orders he had received from his military superior, Caledonio Javier said: "When I got to Cainta he told me the reason for my calling you, 'I heard you were made presidente of the Americans.' I answered him, 'Yes, sir.' 'Do you obey what the Americans tell you—the orders of the Americans?' I answered him, 'Yes, sir; I recognize you as chief.' He said, 'Now if you are going to obey my orders I have complaints here from the people of Taytay of being attacked in the roads. I order that if you capture those men you are to kill them.'"

Q. "What persons did he mention, if any?"

A. "Felipe Escamilla, Honorio, Monico Garivalles, Gregorio Garivalles, Juan Lucas. He also mentioned other names. §§§ 'Everybody that you might capture are to be killed also.' " Asked if the people were present at the killing of the Garivalles brothers, this accused answered, "Yes, sir; nearly all the town; when they know somebody is to be killed they all go and see." Asked by what authority he took the lives of his victims, he answered, "Not by my authority, but by authority of General Pio. §§§ He will kill me if I don't obey." Questioned whether Juan Lucas was buried alive, this accused answered, "Yes, sir; that is what he requested. He requested not to hit him." Asked why he had his victims confessed by the padre before he killed them he answered, "Because all Christians ought to confess before they die. Because I wanted their souls to go to heaven to glory. Their bodies for the justice and their souls for the glory."

Concerning his intelligence, this accused said he could neither read nor write. When he was made presidente he "learned to write his name."

Pastor Santos, when asked why he, as lieutenant of police, did not report the execution of Juan Lucas to the American authorities, answered, "Because I was afraid of the presidente, who said, 'Because it is bad for the Filipino government to report to the Americans.'"

Francisco Felizardo, one of the accused, when asked the same question, answered:

A. "No, sir."

Q. "Why didn't you?"

A. "Why should I go there?"

Q. "To report the fact that a man had been killed without authority."

A. "Because I don't know. I don't have anything to do with that. By the presidente, sir."

Santiago Gadapia, of the accused, made answers to questions as follows:

Q. "Who struck Escamilla before he was buried?"

A. "Myself."

Q. "What did you strike him with?"

A. "Crowbar."

Q. "Do you know whether you killed him or not?"

A. "Yes, sir; he was killed."

Q. "By whose order did you strike him?"

A. "The presidente's."

Q. "What position did you occupy on the police force at the time you arrested these men?"

A. "Lieutenant, sir. §§§§ The reason why I am in prison at this time is because I obeyed the orders given to me."

Questioned regarding his belief that two of the murdered men whom he had arrested were "bad men," and that Honorio must have been "bad" because he was a "companion of Felipe Escamilla," he answered, "Because I forced them, and they told me the truth."

Q. "How did you force them?"

A. "When I first asked him (Honorio), 'Are you the companion of Felipe Escamilla?' he answered, 'No.' I told him, 'If you don't tell me the truth I am going to cut you,' to strike him with a bolo. He told me the truth then."

Q. "Well, what did he tell you?"

A. "'Yes; I am Felipe Escamilla's companion.'"

Q. "Well, why did you believe that to be the truth instead of his first answer, that he was not Felipe Escamilla's companion?"

A. "Because I forced him."

Asked if he did not report these matters to the American commanding officer in Taytay, answered "No, sir. I have no authority to report, because I have a chief; I have a superior officer, and he ought to report."

Q. "If the presidente had ordered you to kill every person in the crowd witnessing the execution of Felipe and Honorio, would you have obeyed his order?"

A. "When the order is from my superior I can not disobey. I can not refuse."

Making due allowance for the necessity each of these accused appeared to realize of presenting his own case in the most favorable light, one undeniable truth stands out in this case, as in hundreds of like cases of murder, that the average native of these islands has not more than the merest rudimentary conception of his individual rights and duties as a man, and no one knows this so well as the wily chiefs, who use him for their nefarious purposes. The native surrenders his will unreservedly to any person standing in relation to him as chief, and he apparently makes no distinction—or dares not—whether that chief be the leader of tulisanes, mandoducats, Katipunan lodge, or guerrilla band. The law of the land is, and to him always has been, the law of terror. His chief, self-installed or duly appointed over him, holds in his hands the power of life and death. So governed, the native surrenders his service and conscience to his chief and looks to him to assume any and all responsibility for any crime he is told to commit, while holding himself guiltless in its accomplishment.

It is therefore plain to the meanest understanding that so long as the simple minded and benighted natives remain under the teachings that they have no rights or liberty of action other than their chiefs may lay down for them, they will remain the most pliable of all human material in the hands of designing leaders; and it is quite as plain that those leaders lack the intelligence, and in most cases the desire, even, to give them good government. That upon such leaders should fall the greater rigor of the law for instigating their more ignorant followers to criminal deeds, all fair-minded men must admit, and upon these leaders in future must the more watchful attention of all officers be directed.

The number of peaceful men who have been murdered in these islands at the instigation of the chiefs, while impracticable of exact determination, is yet known to be so great that to recount them would constitute one of the most horrible chapters in human history. With respect to these chiefs the commanding general has, therefore, no other recourse than to invoke the unrelenting execution of the law upon them and to appeal to the intelligent and educated among the Filipino people to aid him by renewed efforts to end a reign of terror of which their own people are the helpless victims.

In confirming the sentence in this case regard has been had to the fact that the attempt of the defense to show, as a mitigating circumstance, that the murdered men were engaged in depredations upon the community wholly failed. Little more than baseless imputations upon the character of the dead, who can no longer defend them-

selves, appears of record; while in one instance it is clear beyond doubt the victim was murdered because these accused, in their nervous dread, merely suspected that he was about to disclose to the American authorities their inhuman practices; but of which, in fact, he had no knowledge. Others of the victims had been insurgent soldiers, and as they did not join the conspiracy to murder, it is but just to their memory to infer that their failure or unwillingness to so join explains why their lives were taken.

While all of these accused are guilty as principals, the commission by its recommendation, and the department commander, in approving the sentence, have recognized different degrees of their culpability.

The sentence therefore in the case of Florentio Antonio, alias Prudencio, Pastor Santos, and Francisco Felizardo, alias Quicoy, and each of them, is accordingly commuted to imprisonment at hard labor for life, and their place of confinement will be the presidio de Manila, to which they will be sent under proper guard.

The sentence in the case of Celedonio Javier, Pablo Anorma, and Santiago Gadapia will be duly executed at Pasig, Province of Rizal, on the 5th day of December, A. D. 1901, under the direction of the commanding general, department of Northern Luzon.

In the case of Leonardo de Posoy, this accused, upon his arraignment, asked for and was granted a separate trial.

II.—Leonardo de Posoy, native.

PLEA.—“Not guilty.”

FINDING.—Of the first specification, “guilty;” of the second specification, “Guilty;” of the third specification, “guilty;” of the fourth specification, “not guilty;” of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, the accused, Leonardo de Posoy, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Leonardo de Posoy, native, this accused, upon his request, had been given the privilege of a separate trial when first arraigned with his alleged associates, whose names appear in the foregoing charge and specifications.

From the evidence it appears that the accused had been educated for the priesthood, and about nine years ago had been regularly ordained to his holy calling. Early in 1900 Taytay was given a permanent garrison of one company of United States troops, and the accused was there found in the regular pursuit of his calling as curate of the place. Through his advantages of education, his spiritual relations with his people, and his active interest in their secular affairs, the officers in command and serving with the garrison, according to their testimony, found him to be the most influential man in the community.

The accused cultivated the good will of the American officers, and, responding to their wishes, promised to aid them by giving information that might aid in keeping the peace of the community. The people of Taytay were known to be in sympathy with the insurrection, but they were well within the lines of the army of occupation and were given every possible protection of life and property.

To further aid them to return to the normal conditions of peace, the commanding officer, under the provisions of a general order of the commanding general, authorized the people to organize a civil form of government for Taytay and to elect their own officers for its administration under authority of the United States. At this stage the special activity of this accused became marked. He was instrumental in getting the day set for the proposed election of officers for the new government, and put forward and caused to be elected as presidente Celedonio Javier, an illiterate and bigoted man, whom he well knew was an officer of insurgents and whom he commended to the people as the best man for the office because he was “bold.” Many insurgent officers, noncommissioned officers and soldiers of the dispersed insurgent army had taken up their residence in Taytay, and from them were selected men for all the places of trust in the new government.

Having constituted themselves a band of war traitors under the protection of the Government of the United States, and by fraudulent representations established themselves in office under American authority, this accused and his associates now entered upon a series of offenses in violation of the laws of war, such as enforcing contributions in aid of the hiding guerrilla bands, holding communications with them, and giving them all possible aid and comfort. They had been instructed by the commanding officer not to attempt the punishment of any person, but to aid the American authorities in maintaining order and to limit their administrative work to the collection of the ordinary taxes for the support of the native police of the town, and for the maintenance of schools. Disregarding these limitations, this accused and his associates entered upon a series of most cruel murders, three of their victims at least

being buried alive, the accused first confessing his victims before they were given over to the hideous and savage method of their execution. How far the joint responsibility of this accused extended for these murders is best revealed by his own testimony upon his trial.

After admitting that he had confessed or offered to confess all the murdered men, the accused said:

Q. "Did you request the presidente not to execute these men, or not?"

A. "No, sir."

Q. "Why didn't you?"

A. "I did not report to the commanding officer of the post in view that I thought they were acting according to the law—that they were the authorities and they were acting according to the law."

Q. "Acting according to what law?"

A. "The laws that they received from the government; but it was not my duty to investigate."

Q. "What government?"

A. "The Filipino government, because in this war I know certainly that officers are authorized to try and sentence outlaws."

Q. "What officers tried and sentenced them?"

A. "The presidente of Taytay."

Q. "Under the Filipino government, then, what office did he hold?"

A. "I know that he was presidente of the town."

Q. "Presidente under what government?"

A. "I know that he was presidente under the American Government, but I also know that he is an officer of the Filipino army."

Q. "In which capacity did you understand he was acting when he executed Felipe Escamilla and Honorio?"

A. "As an insurgent officer. §§§ 2d lieutenant."

Q. "Now, if you had reported to the American authorities in Taytay the execution of Felipe Escamilla and Honorio, would you not have prevented the death of Monico and Gregorio Garivalles?"

A. "It is true, sir; it is true, sir. But how can I make the distinction when I thought they were acting under some law?"

That the accused had full power of life and death over the helpless victims of the conspiracy is clearly shown by his successful intercession in the case of a man from Teresa arrested at the same time with the Garivalles brothers. Concerning him the accused said:

"I only know this man from Teresa begged me to also beg the presidente to forgive him, in view that he is innocent and is only a traveler and was only arrested because he was there with the two brothers Garivalles."

The evidence leaves no doubt that upon the mere suspicion of some unknown offense this stranger would also have met his death but for the intercession of this accused, an intercession he admitted he could successfully intervene. To break the force of this, counsel for accused questioned him as follows:

Q. "What would have happened to you if you had interfered with the execution of these men by giving information to the American authorities of what the insurgents were doing?"

A. "I would also be killed, just like the others."

Cross-examined on this point, the accused said:

Q. "Who were you afraid of in Taytay should you have reported these things to the American commander?"

A. "Of the insurgents that might be there."

Q. "Well, name them if you can?"

A. "I don't know, sir; even out of town."

Q. "Would you have been in danger of your life if you had refused to confess these men?"

A. "I might be; I don't know for sure, but it might be."

Such in his own language is the defense of this accused, but from the testimony taken as a whole there arises no doubt that this accused was the chief agent in the series of murders, many still wrapped in mystery, which has made the name of Taytay a reproach to the Filipino people. While the victims of the murderous conspiracy were being subjected to a most horrible form of death and their number was steadily being added to, this accused, with shameless falsehood, was assuring the American authorities that all was peaceful and well ordered among the people of Taytay. That he found neither authority nor inspiration from his ecclesiastical teachers nor

in the doctrines of his calling for his conduct there can be no question. So, too, there arises from the evidence no doubt that he had sufficient intelligence to understand his true criminal relations with his associates, and that he must have known and did know that it was his duty, both as priest and citizen, to inform the American authorities of the atrocities being committed by the people of his curacy. Why he did not so inform the lawful authorities can only be explained by the fact standing prominently out upon the face of the record, that he knew that he was a principal actor in these atrocious crimes and hence dared not confess his true responsibility for the same. Even, however, if his responsibility extended no further than the suppression of the truth regarding the part played by his criminal associates, he would still be particeps criminis in these murders. His silence, however, owing to his relation as spiritual guide to a simple-minded and ignorant people, had the evident intended effect of lending a spiritual sanction to the criminal course of his coconspirators. Upon him, therefore, unmistakably rests the chief responsibility for the crimes they committed. His attempted defense upon the grounds that the confessions of the doomed men were privileged, and hence he was restrained by his sacred office to keep silent, has no value. The confessional does not lay upon any man, priest or layman, the obligation of suppressing knowledge of crimes being committed by third parties, the consummation of which could have been prevented without violating the secrecy of the confessional. But, in fact, his knowledge of these crimes was brought directly to his notice and was not gained through the confessional.

It is convincingly shown that the motives for these crimes sprang from the criminal purpose of this accused and his coconspirators to rivet their usurped authority upon the people of Taytay. In the pursuance of this common purpose the accused forgot the teachings of the Divine Master, whose law is the law of love, and willfully entered upon the path of violence and crime. That he is guilty as charged there is no doubt.

The sentence, approved by the department commander, is confirmed, and exact justice calls for its execution. However, out of respect for his calling and of the great religious organization of which he is a most unworthy member, the sentence is commuted to imprisonment at hard labor for the period of twenty years, and as thus commuted will be duly executed.

The reviewing authority, however, desires it to be understood that his leniency in this case shall not be taken as a precedent. No person living in these islands can be permitted to plead his office, however sacred or exalted, as a protection for crimes committed.

The Presidio de Manila is designated as the place of confinement, to which the accused, Leonardo de Posoy, will be sent under proper guard.

By command of Major-General Chaffee.

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 7, 1901.

General Orders, No. 342.

Before a military commission which convened at Legaspi, province of Albay, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 238, Headquarters Department of Southern Luzon, August 26, 1901, and of which Capt. Lester W. Cornish, 9th U. S. Cavalry, was president, and 1st Lieut. Willard H. McCornack, 9th U. S. Cavalry, was judge-advocate, was arraigned and tried Martin Gualverto, native.

CHARGE.—“Murder.”

Specification.—“In that he, Martin Gualverto, native, did feloniously and with malice aforethought, kill and murder one Maria Iboyan (his wife) by choking her and otherwise maltreating her, the said Maria Iboyan, until the said Maria Iboyan, did die from the said assault within fifteen minutes. This in a time of insurrection, at or near Baras, Catanduanes, P. I., a place within the operation of the forces of the United States, on or about the 1st day of May, 1901.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Martin Gualverto, “To be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life.”

In the foregoing case it appears that this accused, Martin Gualverto, in a quarrel with his wife arising from her well-founded jealousy, choked and beat her, causing injuries which shortly thereafter resulted in her death.

No reasonable doubt as to the guilt of accused as charged arises from the record.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place this accused, Martin Gualberto, will be sent under proper guard.

By command of Major-General Chaffee.

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 7, 1901.

General Orders, No. 343.

Before a military commission which convened at Sorsogon, province of Sorsogon, Luzon, P. I., pursuant to paragraph 13, Special Orders, No. 169, Headquarters Department of Southern Luzon, June 18, 1901, and of which Maj. George A. Cornish, 15th U. S. Infantry, was president, and 2d Lieut. Robert J. Binford, 15th U. S. Infantry, was judge-advocate, was arraigned and tried Gabino Santa Inez, native.

CHARGE I.—“Violation of the oath of allegiance, in violation of the laws of war.”

Specification.—“In that he, Gabino Santa Inez, native, did willfully and knowingly, after having voluntarily taken the oath of allegiance to the United States, become chief of a band of armed outlaws, calling themselves insurgents, operating in the provinces of Albay and Sorsogon, and did receive and execute orders for the purpose of carrying on an insurrection against the authority of the United States. This in time of insurrection, in the province of Sorsogon, a place under the military government of the United States, during the months of March, April, and May, 1901.”

CHARGE II.—“Murder.”

Specification.—“In that he, Gabino Santa Inez, native, did willfully, feloniously, and with malice aforethought murder and kill, by shooting with a pistol, and stabbing with a dagger, Zacarias Moscoso and Eladio Doma, natives, said Zacarias Moscoso and Eladio Doma receiving wounds at the hands of said Gabino Santa Inez, from which they the said Zacarias Moscoso and Eladio Doma, and each of them, did then and there die. This in time of insurrection, at Sugod, pueblo of Bacon, province of Sorsogon, P. I., a place under the military government of the United States, on the 16th day of April, 1900.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty, excepting the words ‘by shooting with a pistol and stabbing with a dagger,’ substituting therefor the words ‘by hanging, and shooting with a firearm,’ of the excepted words ‘not guilty,’ of the substituted words, ‘guilty;’” of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him the said Gabino Santa Inez “to be hung by the neck until dead, at such place and time as may be designated by the proper authority, two-thirds of the commission concurring therein.”

In the foregoing case of Gabino Santa Inez, native, it appears from the evidence that the accused was a captain of insurgents; that in April, 1900, two muchachos, one a servant of an American presidente, were delivered to him as prisoners, and merely because they were suspected of being Americanistas he caused them to be first hung up until nearly dead and then dispatched them by shooting them with firearms.

It also appears that in February, 1901, the accused took the oath of allegiance to the United States and thereafter took up arms against its military forces.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the term of thirty (30) years. As thus commuted the sentence will be duly executed at the Presidio de Manila, to which this prisoner will be sent under proper guard.

By command of Major-General Chaffee.

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 7, 1901.

General Orders, No. 344.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 8, Special Orders, No. 194, Headquarters Department of Southern Luzon, July 13, 1901, and of which Lieutenant-Colonel John G. Leefe, 30th U. S. Infantry, was

president, and Captain Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, were arraigned and tried:

Nicolas Aldana, Isaac Antonio, Prudencio Santiago, and Estanislao Quilatan, natives.

CHARGE.—“Murder.”

Specification 1.—“In that they, Nicolas Aldana, Isaac Antonio, Prudencio Santiago, and Estanislao Quilatan, natives, did, feloniously and with malice aforethought, kill and murder one native, name and place of residence unknown, by striking him on the head with a revolver and otherwise beating and striking him, the said native, name unknown, from the effects of which he, the said native, name unknown, then and there died. This in time of insurrection, at or near a barrio of Las Piñas, P. I., a place under the military government of the United States, on or about the month of January, 1901.”

Specification 2.—“In that they, Nicolas Aldana, Isaac Antonio, Prudencio Santiago, and Estanislao Quilatan, natives, did, feloniously and with malice aforethought, kill and murder one Perfecto Nemeses, native, acting as newsboy for the ‘Manila Freedom,’ by striking him, the said Perfecto Nemeses, native, on the head with a revolver, and placing the body of the said Perfecto Nemeses, native, while he was yet alive, into a grave, and placing and tramping dirt on and over the body of the said Perfecto Nemeses until he was strangled and smothered, from the effects of which he, the said Perfecto Nemeses, then and there died. This in time of insurrection, at or near a barrio of Las Piñas, P. I., a place under the military government of the United States, on or about the month of January, 1901.”

PLEAS.—“Not guilty.”

FINDINGS.—Of the first specification, “guilty;” of the second specification, “guilty,” except of the words, ‘and placing the body of the said Perfecto Nemeses, native, while he was yet alive, into a grave, and placing and tramping dirt on and over the body of the said Perfecto Nemeses until he was strangled and smothered,’ and of the excepted words, ‘not guilty.’” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence them, Nicolas Aldana, Isaac Antonio, Prudencio Santiago, and Estanislao Quilatan, natives, and each of them, “To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Nicolas Aldana, Isaac Antonio, Prudencio Santiago, and Estanislao Quilatan, it appears from the evidence that these accused belonged to a band of ladrones, and in the pursuit of gain by robbery they murdered an unknown man and a newsboy, in the manner and form as charged. No reasonable doubt of the full responsibility of these accused for the crimes as charged spring from the record, each and all being willing actors therein. This case is but a repetition of many others, and is an added proof that the great majority of crimes committed in the Philippine Islands are perpetrated by men consorting together for criminal purposes. Conscious of the power that numbers acting together give, these bands rob and murder upon an extensive scale. They trust to fortune that, if arrested for the crimes committed by the band, they may escape punishment by laying the responsibility upon some one of their criminal associates. But the law does not permit criminals to escape in that manner. The larger the band the greater the power does it possess of inflicting great wrongs and suffering upon the community. For this reason the responsibility is greater upon each individual person composing the band than if he acted singly and without conferring with or inducing others to act with him in the pursuit or accomplishment of his criminal purpose. Hence, in law, all who join together to rob, murder, or engage in any criminal purpose are alike guilty of the crimes resulting from their joint action.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Cavite, Cavite Province, P. I., on the 12th day of December, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 14, 1901.

General Orders, No. 349.

Before a military commission which convened at Baliuag, Bulacan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 212, headquarters Department of Northern Luzon, August 6, 1901, and of which Captain James H. McRae, 3d U. S. Infantry, was president, and 2d Lieutenant Robert I. Rees, 3d U. S. Infantry, was judge-advocate, were arraigned and tried: Ezekiel Ignacio and Benito Lubao, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Ezekiel Ignacio and Benito Lubao, natives, each of them, did, in time, then as now, of insurrection against the Government of the United States, wilfully, feloniously, and with malice aforethought, kill and murder one Proceso Mercado, native, by then and there shooting said Proceso Mercado with a revolver held in the hands of said Ezekiel Ignacio and while the said Proceso Mercado was being held by the said Benito Lubao, inflicting upon the said Proceso Mercado a bodily wound, from the effects of which said Proceso Mercado did, on or about the 30th day of May, 1900, die. This at or near Bonga Menor, a barrio of Bustos, province of Bulacan, P. I., a place, then as now, within the theatre of military operations of the United States forces, at or about 7 p.m. on or about the 27th day of May, 1900.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Ezekiel Ignacio and Benito Lubao, natives, and each of them, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that these accused, Ezekiel Ignacio and Benito Lubao, while attempting to forcibly kidnap one Proceso Mercado at Bustos, Bulacan, for the purpose of conveying him before their ladrone chief, and while meeting with resistance from their victim, shot and killed him.

The charges and specifications are fully proven. These accused admit all the essential facts necessary to constitute the crime charged, and present no legal justification therefor.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Baliuag, Bulacan, P. I., on the 19th day of December, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 14, 1901.

General Orders, No. 350.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 8, Special Orders, No. 194, Headquarters Department of Southern Luzon, July 13, 1901, and of which Lieutenant-Colonel John G. Leefe, 30th U. S. Infantry, was president, and Captain Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, were arraigned and tried:

Seriaco Carreon and Cipriano Pablo, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Seriaco Carreon and Cipriano Pablo, natives, in company of a band of ladrones, numbers and names unknown, did, feloniously and with malice aforethought, kill and murder one Lazaro Santos, native, and ‘teniente’ of the barrio of Pildira, town of Malibay, Luzon, P. I., by striking the said Lazaro Santos with a bolo, thereby severing his head from his body, from the effect of which he, the said Lazaro Santos, then and there died. This, in time of insurrection, at or near the town of Malibay, Luzon, P. I., a place under the military government of the United States, on or about the 14th day of October, 1900.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Seriaco Carreon and Cipriano Pablo, natives, and each of them, “to be hanged by the neck until they are dead, at such time and place as the reviewing authority may designate, two-thirds of the commission concurring therein.”

In the foregoing case of Seriaco Carreon and Cipriano Pablo, natives, it appears from the evidence that these accused, in company with others, seized one Lazaro Santos in his house, conveyed him to the fields and there killed him by severing his head from his body with bolos. From the free admissions of one of the accused, corroborated by eyewitnesses and convincing circumstantial evidence, these accused were willing participants in this murder, which beyond their plea of not guilty they neither denied nor explained. The motive appears to have been private revenge upon deceased for his alleged bad faith in not recovering a lost carabao.

The sentence, approved by the department commander, is confirmed, but in the case of Cipriano Pablo is commuted to confinement at hard labor for the period of

thirty (30) years; and as thus commuted will be duly executed at the Presidio de Manila, to which place this accused will be sent under proper guard.

The sentence in the case of Seriacó Carreon will be duly executed at Malibay, P. I., on the 23d day of January, A. D. 1902, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General Chaffee.

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 15, 1901.

General Orders, No. 351.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 10, Special Orders, No. 142, headquarters provost marshal general, Separate Brigade, provost guard, June 22, 1901, and of which Colonel Charles F. Robe, 9th U. S. Infantry, was president, and Captain John H. Beacom, 6th U. S. Infantry, was judge-advocate, were arraigned and tried:

Fabian Castro and Feliciano Gasingan, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Hilario Romero, Victor Sacay, Catalino Simon, Fabian Castro, Vicente Castro, Cornelio Mateo, Feliciano Gasingan, and Tuslong Castro, alias Dionicio Castro, natives, and each of them at or near Manila, Luzon, P. I., a place then, as now, under the military government of the United States, on or about the 23d day of August, 1900, a time, then as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder one Lorenzo Laupoco, a native, by cutting and stabbing him, the said Lorenzo Laupoco, with daggers, then and there had and held in the hands of the said Hilario Romero, Victor Sacay, Catalino Simon, Fabian Castro, Vicente Castro, Cornelio Mateo, Feliciano Gasingan, and Tuslong Castro, alias Dionicio Castro, and each of them, inflicting wounds therewith on the person of the said Lorenzo Laupoco whereof he, the said Lorenzo Laupoco, then and there died.”

PLEAS.—“Not guilty.”

FINDING.—Of the specification to the charge, “guilty, except the words ‘Hilario Romero, Victor Sacay, Catalino Simon, Vicente Castro, Cornelio Mateo, and Tuslong Castro, alias Dionicio Castro,’ where these words occur in the first, second, third, and fourth lines of the specification; and except the words ‘Hilario Romero, Victor Sacay, Catalino Simon, Vicente Castro, Cornelio Mateo, and Tuslong Castro, alias Dionicio Castro,’ where these words occur in the 15th, 16th, 17th, and 18th lines of the specification; and except the words, ‘and each of them’ where these words occur in the 18th line of the specification, substituting therefor the words, ‘and others, names unknown;’ and except the words ‘then and there’ where these words occur in the 21st line of the specification, substituting therefor the words ‘on or about September twelfth (12th), 1900;’ of the excepted words not guilty and of the substituted words guilty;” of the charge, “guilty.”

SENTENCE.—And the commission doth sentence them, the said Fabian Castro and Feliciano Gasingan, and each of them, “to be confined at hard labor, in such place as the reviewing authority may direct, for the period of ten (10) years.”

In the foregoing case of Fabian Castro and Feliciano Gasingan, the evidence against these accused is contradictory and unconvincing, while the preponderance of proof rests with the defense. Eight witnesses establish an alibi for accused Fabian Castro. A similar defense was fairly established for accused Feliciano Gasingan. It further appears that he was arrested shortly after the alleged assault, in his own house, brought before decedent, who expressly stated that he was not one of the perpetrators of the crime; and this in the presence of the witnesses for the prosecution, who likewise failed to identify him. Although living in the same neighborhood as the accused, it was not until eight months later that these witnesses for the first time changed their minds.

That there is animus in this prosecution seems probable, and the variance between the testimony of the witnesses for the prosecution and their contradictions of their testimony on a former trial, involving the same state of facts, are little conducive to inspire confidence.

The sentence is disapproved, and these accused, Fabian Castro and Feliciano Gasingan, will be released from custody.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 15, 1901.

General Orders, No. 352.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 6, Special Orders, No. 126, Headquarters Provost-Marshall-General, Separate Brigade, Provost Guard, June 3, 1901, and of which Lieut. Col. Robert W. Leonard, 28th Infantry, U. S. V., was president, and 1st Lieut. George P. Whitsett, 32d Infantry, U. S. V., was judge-advocate, were arraigned and tried: Hilario Romero, Victor Sacay, and Catalino Simon, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Hilario Romero, Victor Sacay, Catalino Simon, Fabian Castro, Vicente Castro, Cornelio Mateo, Feliciano Garingan, and Tuslong Castro, alias Dionicio Castro, natives, and each of them, at or near Manila, Luzon, P. I., a place then, as now, under the military government of the United States, on or about the 23d day of August, 1900, a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder one Lorenzo Laupoco, a native, by cutting and stabbing him, the said Lorenzo Laupoco, with daggers, then and there had and held in the hands of the said Hilario Romero, Victor Sacay, Catalino Simon, Fabian Castro, Vicente Castro, Cornelio Mateo, Feliciano Garingan, and Tuslong Castro, alias Dionicio Castro, and each of them, inflicting wounds therewith on the person of the said Lorenzo Laupoco whereof he, the said Lorenzo Laupoco, then and there died.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission doth sentence them, the said Hilario Romero, Victor Sacay, and Catalino Simon, and each of them, “To be confined at hard labor for a period of ten years in such place as the reviewing authority may direct.”

In the foregoing case it appears that these accused, Hilario Romero, Victor Sacay, and Catalino Simon, in company of an armed band of outlaws, went to the house of one Lorenzo Laupoco, in Tondo, Manila, at 10.30 in the night, August 23d, 1900, assaulted all the occupants, robbed them of their money and jewelry, and then stabbed and cut with bolos the said Lorenzo Laupoco, inflicting eleven wounds, from the effects of which he died. The crime is proven against these accused beyond a reasonable doubt.

The sentence, approved by the convening authority, is confirmed, and will be duly executed at the Presidio de Manila, to which place these accused, Hilario Romero, Victor Sacay, and Catalino Simon, and each of them, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 15, 1901.

General Orders, No. 353.

Before a military commission which convened at Guinobatan, Albay Province, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 148, Headquarters Department of Southern Luzon, March 28, 1901, and of which Maj. Henry H. Wright, 9th U. S. Cavalry, was president, and First Lieut. Philip W. Corbusier, 9th U. S. Cavalry, was judge-advocate, was arraigned and tried: Florentino Marbella, native.

CHARGE.—“Murder.”

Specification.—“In that Florentino Marbella, on or about the 27th day of March, 1901, a time of insurrection at or near the pueblo of Oas, province of Albay, P. I., a place within the theater of active operations under the Government of the United States, did, willfully, feloniously, and with malice aforethought kill and murder one Juan Ricafranca, a native Filipino, by stabbing and cutting the said Juan Ricafranca with a weapon commonly known as “bolo,” held in the hands of the said Florentino Marbella, inflicting wounds whereof the said Juan Ricafranca then and there died. This at Oas, province of Albay, P. I., on the 27th day of March, 1901.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Florentino Marbella, native, “To be confined at hard labor, at such place as the reviewing authority may designate, for the rest of his natural life.”

In the foregoing case it appears that the accused, Florentino Marbella, in the heat of passion killed with a bolo one Juan Ricafranca in the public market place of the

pueblo of Oas, Albay, March 27, 1901. The deed was committed in the presence of many people, including policemen, who immediately apprehended the perpetrator.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place the accused, Florentino Marbella, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 18, 1901.

General Orders, No. 358.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 8, Special Orders, No. 194, Headquarters Department of Southern Luzon, July 13, 1901, and of which Lieutenant-Colonel John G. Leefe, 30th U. S. Infantry, was president, and Captain Palmer E. Pierce, 13th U. S. Infantry, was judge-advocate, were arraigned and tried Patricio de la Cruz and Benedicto Lozado, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Patricio de la Cruz and Benedicto Lozado, natives, did feloniously and with malice aforethought, kill and murder two Chinese merchants (names unknown), of the town of Las Piñas, P. I., by striking and beating the said Chinese with clubs and other blunt instruments, and cutting the throat of one of the said Chinese with a bolo, from the effects of which they, the said two Chinese merchants, then and there died. This in time of insurrection, at or near the town of Las Piñas, P. I., a place under the military government of the United States, on or about the month of July, 1900.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Patricio de la Cruz and Benedicto Lozado, natives, and each of them, “To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Patricio de la Cruz and Benedicto Lozado it is alleged that the latter confessed that he and others, including the former, seized and carried away by force two Chinos, merchants of Las Piñas, and killed them with clubs and bolos; that the bodies of the victims were for a time left near the scene of murder, and later removed secretly at night into the public cemetery and there buried. According to this alleged confession, the voluntary admissions of this accused, and his gloating over the details of the crime discloses such a state of mental unsoundness that even if his confession was fully established a doubt as to its reliability would naturally arise.

But he says his confession was extorted from him by the native police, who threatened him with a revolver. It is certainly established that in endeavoring to follow out the directions of the police to locate the burying place of the alleged victims this accused took them to more than one place where no bodies were found, and finally conveyed them to a spot where human bones were certain to be found, i. e., the public cemetery, and in the grave pointed out they found the bones of three instead of only two bodies, but no sack such as was alleged contained the bodies of the supposed victims, and no queues of hair.

In the whole case there is no proof of the *corpus delicti*; the bones dug out of the cemetery were not identified; there is nothing to show that two Chino men were killed, outside of the alleged confession, and no proof that any two Chinamen had disappeared from Las Piñas or elsewhere. It is a well-established rule of law that evidence of a confession is not admissible until a foundation has been laid by establishing the *corpus delicti*. There is direct evidence on behalf of the prosecution that the accused, Lozado, is of weak intellect, and his actions under his alleged confession, and as proven, irresistibly confirm this conclusion. Conceding that he did in fact voluntarily make such a confession, numerous precedents are not lacking where mania takes the form of confessions to imaginary crimes, and confessions alone are seldom sufficient to convict.

On the whole case there is ample doubt in favor of these accused, and, this existing, they are entitled to its benefits.

The sentence is disapproved and the accused, Patricio de la Cruz and Benedicto Lozado, will be released from custody.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 18, 1901.

General Orders, No. 359.

Before a military commission which convened at Oroquieta, Mindanao, P. I., pursuant to paragraph 1, Special Orders, No. 137, Headquarters Department of Mindanao and Jolo, July 13, 1901, and of which Capt. Francis J. Koester, 15th U. S. Cavalry, was president, and Second Lieut. Arthur J. Lynch, 15th U. S. Cavalry, was judge-advocate, was arraigned and tried Florentino Sabuero, native.

CHARGE I.—“Abduction.”

Specification.—“In that he, Florentino Sabuero, native, in company of, and consorting with, armed outlaws to the number of 14, more or less, did unlawfully and feloniously seize, bind, and conduct away, against his will, a native Filipino, name unknown. This in time, then as now, of insurrection against the lawful authority of the United States, on or about the 12th day of January, 1901, at or near the barrio of Macpan, pueblo of Jiminez, province of Misamis, P. I., a place then, as now, in the theater of military operations.”

CHARGE II.—“Murder.”

Specification.—“In that he, Florentino Sabuero, native, in company of, and consorting with, armed outlaws to the number of 14, more or less, did wilfully and feloniously abet and assist in murdering one native Filipino, name unknown, by stabbing him, the said native Filipino, name unknown, with knives and bolos held in the hands of the said outlaws, inflicting wounds whereof the said native Filipino then and there died. This in time, then as now, of insurrection against the lawful authority of the United States, on or about the 12th day of January, 1901, at or near the barrio of Macpan, pueblo of Jiminez, province of Misamis, P. I., a place then, as now, in the theater of military operations.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Florentino Sabuero, “To be hanged by his neck until he is dead, at such time and place as the reviewing authority may designate, two-thirds of the commission concurring therein.”

In the foregoing case the accused, Florentino Sabuero, is charged with the abduction of a man, and murder. There is no evidence to sustain the charge of murder, and the evidence in support of the specification that he kidnaped a native is unreliable and unconvincing, given by convicted members of the band of outlaws that actually committed the murder, but who all agree in their testimony that accused was not a member of such band.

So many general orders have been published from these headquarters, defining the crime of abduction and its inapplicability to the act of kidnaping a man, that it is almost inconceivable that officers should persist in preferring this ridiculous and impossible charge where a male is the victim of the sequestration. The gist of the offense of abduction is the taking or detaining of a female against her will with the intent to carnally know or marry her. In the future this charge will not be preferred in instances where males are kidnaped.

The sentence is disapproved, and the accused, Florentino Sabuero, will be released from custody.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 25, 1901.

General Orders, No. 365.

Before a military commission which convened at Capiz, Capiz Province, Panay, P. I., pursuant to paragraph 2, Special Orders, No. 112, Headquarters Department of the Visayas, Iloilo, Panay, P. I., May 1, 1901, and of which Capt. William F. Grote, 18th U. S. Infantry, was president, and Second Lieut. William M. Kistler, 18th U. S. Infantry, was judge-advocate, was arraigned and tried Perfecto Abatan, native.

CHARGE.—“Murder.”

Specification 1.—“In that on or about the 11th day of January, A. D. 1901, then as now a time of insurrection against the authority of the United States, at or near the pueblo of Capiz, province of Capiz, island of Panay, P. I., a place, then as now, under the military occupation and government of the United States, one Perfecto Abatan, a native, did feloniously, willfully and with malice aforethought kill and murder one Victorio Clavero, a native, by striking him two blows upon the head,

one blow upon the right hand, and one blow upon the left forearm, all delivered with a bolo or other sharp instrument held in the hands of the said Perfecto Abatan, from which wounds inflicted as aforesaid the said Victorio Clavero then and there died."

Specification 2.—"In that on or about the 11th day of January, A. D. 1901, then as now a time of insurrection against the authority of the United States, at or near the pueblo of Capiz, province of Capiz, island of Panay, P. I., a place, then as now, under the military occupation and jurisdiction of the United States, one Perfecto Abatan, a native, did kill and murder one Lorenza de la Cruz, a native woman, by striking her one blow upon the back of the neck, one blow upon the right side of the face, and one blow upon the left side, all delivered with a bolo or other sharp instrument held in the hands of the said Perfecto Abatan, from which blows so inflicted as aforesaid the said Lorenza de la Cruz then and there died."

PLEA.—"Not guilty."

FINDING.—Of the first specification, "'guilty' with the exception of the words 'wilfully and with malice aforethought' and the words 'and murder', and of the excepted words 'not guilty.'" Of the second specification, "'guilty' with the exception of the words 'and murder,' and of the excepted words 'not guilty.'" Of the charge, "'Not guilty' but guilty of 'manslaughter.'"

SENTENCE.—And the commission does therefore sentence him, Perfecto Abatan, a native, "to be confined at hard labor for the period of his natural life, at such place as the reviewing authority may direct."

In the foregoing case of Perfecto Abatan, the prosecution has failed to establish the alleged crime by competent evidence. It was, under the common law and our military practice, gross error to receive the evidence of the wife of accused against him, and, this being eliminated, there is no evidence of his guilt. His own statement that he was drunk that night and knew nothing of what happened is not an affirmative admission of guilt, and not inconsistent either with a justifiable homicide or even lack of participation in the crime. His plea of "not guilty" negatives an implied confession, but on a plea of not guilty the burden is on the prosecution to first establish the guilt of accused, not only beyond a reasonable doubt but by competent evidence before relying upon him to incriminate himself by implication.

The record is not free from other illegalities and irregularities to the prejudice of the rights of accused. Specification 2 fails to allege malice or felonious character of the act charged. The department commander has approved the proceedings, directed the sentence to be executed, and designated the place of confinement, in disregard of the provision of paragraph 4, General Orders, No. 64, Headquarters Division of the Philippines, August 10, 1900. Again, when the proceedings were returned to the commission for correction of the record to show whether the statement of accused was made at his own request and with the knowledge and consent of his counsel, this information was supplied by the president individually without the commission having been reconvened.

That it is better that many guilty men should escape punishment than an innocent one suffer is too well grounded in the administration of justice to pass unheeded by military commissions. So, too, it is better that no person, innocent or guilty, should be convicted unfairly, in violation of his legal rights and privileges, or in defiance of the well-established and equitable laws of evidence without which the evolution of one system of law and justice would be impossible.

While a strong presumption of the guilt of the accused arises from the record, the illegalities and irregularities pointed out are too great to receive further official sanction.

The sentence is disapproved, and the accused, Perfecto Abatan, will be released from custody.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 29, 1901.

General Orders, No. 366.

Before a military commission which convened at Lucena, Province of Tayabas, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 210, Headquarters Department of Southern Luzon, July 29, 1901, and of which Captain Harry H. Bandholtz, 2d U. S. Infantry, was president, and 1st Lieutenant George C. Martin, 2d U. S. Infantry, was judge-advocate, was arraigned and tried Malareno Juan, alias Juan Miran, native.

CHARGE.—“Murder.”

Specification.—“In that he, Malareno Juan, alias Juan Miran, a native, and resident of the Province of Tayabas, Luzon, P. I., on or about the 19th day of February, 1900, then, as now, a time of insurrection, at or near the pueblo of Silangan, Island of Alabat, a place now, as then, under the military authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder one Chino, ‘Goa,’ surname unknown, by striking him with a bolo or other sharp instrument, inflicting wounds from which the said ‘Goa,’ surname unknown, then and there or shortly afterwards died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Malareno Juan, alias Juan Miran, “To be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission agreeing.”

In the foregoing case it appears that this accused, Malareno Juan, with a few onlooking companions, met in the streets of Silangan, Island of Alabat, a Chinaman named Goa, accused him of being an American secret-service man, and then stabbed him to death with a dagger. Upon the witness stand accused admitted his guilt.

The sentence, approved by the department commander, is confirmed and will be duly executed at Tayabas, Luzon, P. I., on the twenty-third (23d) day of December, A. D. 1901, under the direction of the commanding general, Department of Southern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 29, 1901.

General Orders, No. 367.

Before a military commission which convened at San Isidro, Nueva Ecija, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 159, Headquarters Department of Northern Luzon, June 11, 1901, and of which Captain Albert C. Dalton, 22d U. S. Infantry, was president, and 1st Lieutenant Raymond Sheldon, Battalion Adjutant, 22d U. S. Infantry, was judge-advocate, was arraigned and tried Flaviano San Pedro, native.

CHARGE.—“Murder.”

Specification.—“In that he, Flaviano San Pedro, native, resident of the pueblo of Cabanatuan, Nueva Ecija, did, with sundry other persons armed with guns, on or about the 10th day of August, 1900, then, as now, a time of insurrection, at Sumacab, a barrio of Cabanatuan, Province of Nueva Ecija, then, as now, a place under the military occupation and government of the United States, feloniously and willfully, and with malice and intent aforethought, kill and murder one Marcelino Puno, a Filipino, by shooting him with a rifle or other firearm, thereby causing the death of the said Marcelino Puno, on or about the 10th day of August, 1900.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, the said Flaviano San Pedro, native, “To be hanged by the neck until he shall be dead, at such time and place as the proper reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that the accused, Flaviano San Pedro, in company of and a leader of four armed outlaws at Sumacab, Nueva Ecija, about August 10, 1900, and within the lines of the American occupation, lay in wait for and intercepted a carromata containing two natives, Graciano Garcia and Marcelino Puno, the latter of whom this accused shot and killed, and robbed both of their money and valuables. The charge and specification is fully proven against this accused, and his own admissions corroborate the essential facts necessary to constitute the crime.

No mitigating circumstances appear of record.

The sentence, approved by the department commander, is confirmed, and will be duly executed at San Isidro, Nueva Ecija, Luzon, P. I., on the twenty-third (23d) day of December, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 29, 1901.

General Orders, No. 368.

Before a military commission which convened at Echague, Isabela, P. I., pursuant to paragraph 12, Special Orders, No. 121, Headquarters Department of Northern Luzon, May 5, 1901, and of which Captain George E. French, 16th U. S. Infantry, was president, and 2d Lieutenant Charles L. McKain, 16th U. S. Infantry, was judge-advocate, was arraigned and tried Nasario Valle, native.

CHARGE—"Murder."

Specification 1.—"That Nasario Valle, as leader of a band of outlaws numbering thirty, more or less, did wilfully and maliciously kill and murder Tiburcio Baltazar, a native, by beating him with pieces of rattan held in the hands of members of said band, from the effects of which the said Tiburcio Baltazar then and there died. This on or about the 1st day of February, 1901, a time of insurrection against the lawful authority of the United States and at or near the pueblo of Ibung, province of Nueva Viscaya, P. I., territory occupied by the United States forces."

Specification 2.—"That Nasario Valle, as leader of a band of outlaws numbering thirty, more or less, did wilfully and maliciously kill and murder Juan Oarang, a native, by beating him with pieces of rattan held in the hands of members of said band, from the effects of which the said Juan Oarang then and there died. This on or about the 7th day of February, 1901, a time of insurrection against the lawful authority of the United States and at or near the pueblo of Ibung, province of Nueva Viscaya, P. I., territory occupied by the United States forces."

Specification 3.—"That Nasario Valle, as leader of a band of outlaws numbering thirty, more or less, did wilfully and maliciously kill and murder Eulalio Saridon, a native, by burying him alive in the ground, which interment was performed by members of said band under the direction of said Nasario Valle, and from the effects of which said Eulalio Saridon then and there died. This on or about the 1st day of March, 1901, a time of insurrection against the lawful authority of the United States, and at or near the pueblo of Ibung, province of Nueva Viscaya, P. I., territory occupied by the United States forces."

Specification 4.—"That Nasario Valle, as leader of a band of outlaws numbering thirty, more or less, did wilfully and maliciously kill and murder Raymunda Alejo, a native woman, by burning her with fire while fastened to a stake, the said fire being set by members of said band, and from the effects of which said Raymunda Alejo then and there died. This on or about the 1st day of March, 1901, a time of insurrection against the lawful authority of the United States, and at or near the pueblo of Ibung, province of Nueva Viscaya, territory occupied by the United States forces."

Specification 5.—"That Nasario Valle, as leader of a band of outlaws, numbering thirty, more or less, did wilfully and maliciously kill and murder Federica Asuncion, a native woman, by burning her with fire while fastened to a stake, the said fire being set by members of said band, and from the effects of which said Federica Asuncion then and there died. This on or about the 1st day of March, 1901, a time of insurrection against the lawful authority of the United States, and at and near the pueblo of Ibung, Nueva Viscaya, P. I., territory occupied by the United States forces."

Specification 6.—"That Nasario Valle, as leader of a band of outlaws, numbering thirty, more or less, did wilfully and maliciously kill and murder Francisco Suyat, a native, by cutting his throat with a knife held in the hands of members of said band, from the effects of which said Francisco Sugat then and there died. This on the 3d day of March, 1901, at the barrio of Latorre, pueblo of Bayambong, province of Nueva Viscaya, in a time of insurrection against the lawful authority of the United States and in territory occupied by the United States forces."

PLEA—"Not guilty."

FINDINGS.—Of the first specification, "guilty." Of the second specification, "guilty." Of the third specification, "guilty." Of the fourth specification, "guilty." Of the fifth specification, "guilty." Of the sixth specification, "not guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Nasario Valle, a native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case it appears that this accused, Nasario Valle, a commissioner of the Katipunan Society at Ibung, Nueva Viscaya, compelled the inhabitants to take the oath of that organization, issued orders that all who should refuse to follow the dictates of the same should suffer death, and in pursuance of such orders did in fact cause to be killed in the following barbarous manner: Tiburcio Baltazar and Juan Oarang, by beating them to death; Eulalio Saridon, by burying him alive; and Raymunda Alejo and Federica Asuncion, native women, by burning at the stake.

The guilt of the accused as found by the commission is established beyond all reasonable doubt, and the savage and horrible character of the crimes committed calls for but one fitting penalty.

The sentence, approved by the department commander, is confirmed, and will be duly executed against this accused Nasario Valle, at Solano, Nueva Viscaya, Luzon, P. I., on the nineteenth (19th) day of December, A. D., 1901, under the direction of the commanding general, Department of Northern Luzon.

By Command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 30, 1901.

General Orders, No. 371.

Before a military commission which convened at San Fernando, province of Pangasinana, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 203, Headquarters Department of Northern Luzon, July 27, 1901, and of which Major George H. Paddock, 5th U. S. Cavalry, was president, and Second Lieutenant Burton J. Mitchell, 22d U. S. Infantry, was judge-advocate, were arraigned and tried:

I.—Liberato Lazaro, native.

CHARGE.—“Murder.”

Specification.—“In that he, Liberato Lazaro, native, in company of and consorting with a band of armed outlaws, number unknown, and of which he was the leader, and having in his power as a prisoner one José Buencamino, native, presidente of the pueblo of San Miguel de Mayumo, province of Bulacan, did order one Regino Cervantes, native, member of said band, to stab the aforesaid José Buencamino with a dagger, which was done, and from the effects of which the latter then and there died. This feloniously and with malice aforethought, at or near the sitio of Bisal, jurisdiction of the pueblo of Baliuag, province of Bulacan, on or about the 4th day of November, 1900, this being in time of insurrection, and in a region the scene of active military operations.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Liberato Lazaro, native, “to be hung by the neck until dead, two-thirds of the commission concurring therein, at such time and place as the reviewing authority may designate.”

II.—Regino Cervantes, native.

CHARGE.—“Murder.”

Specification.—“In that he, Regino Cervantes, being voluntarily a member of a band of armed outlaws, under the immediate command of one Liberato Lazaro, and associating with said Lazaro as well as with Camelo Mendoza, Ciriaco de la Rosa and divers other natives, unknown, did kill and murder one José Buencamino, native, presidente of the pueblo of San Miguel de Mayumo, province of Bulacan, by stabbing the aforesaid José Buencamino with a dagger, inflicting wounds from which he then and there died, the aforesaid José Buencamino being at the time a helpless prisoner in the hands of said band of outlaws of which Regino Cervantes was a member. This feloniously and with malice aforethought, at or near the sitio of Bisal, jurisdiction of the pueblo of Baliuag, province of Bulacan, on or about the 4th day of November, 1900, this being in time of insurrection, and in a region the scene of active military operations.”

PLEA.—To the specification, “guilty, with the exception of the words ‘and murder’ and ‘this feloniously and with malice aforethought,’ to the excepted words, not guilty.” To the charge, “not guilty.”

FINDING.—Of the specification, “guilty, excepting the words ‘and murder’ and ‘with malice aforethought,’ and of the excepted words not guilty.” Of the charge, “not guilty, but guilty of manslaughter.”

SENTENCE.—And the commission does therefore sentence him, the said Regino Cervantes, native, “to be confined at hard labor, at such place as the reviewing authority may designate, for a period of fifteen (15) years.”

III.—Camelo Mendoza and Ciriaco de la Rosa, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Camelo Mendoza and Ciriaco de la Rosa, natives, being voluntarily members of a band of armed outlaws under the command of one Liberato Lazaro, and associating with said Liberato Lazaro as well as with Regino Cervantes and divers natives whose names are unknown, did take one José Buen-

camino, native, presidente of the pueblo of San Miguel de Mayumo, province of Bulacan, to a secluded spot in the vicinity of Bisal, a sitio in the vicinity of Balinag, province of Bulacan, and did there guard him while he was killed by the aforesaid Regino Cervantes, who stabbed the aforesaid José Buencamino with a dagger, from the effects he then and there died, said José Buencamino being at that time a helpless prisoner in the hands of said band of armed outlaws, of which Camelo Mendoza and Ciriaco de la Rosa were members. This feloniously and with malice aforethought at the place specified, on or about the 4th day of November, 1900, this being in time of insurrection and in a region the scene of active military operations."

PLEA.—"Not guilty."

FINDING.—Of the specification, "guilty, except the words 'and with malice aforethought' and of the excepted words not guilty." Of the charge, "not guilty, but guilty of manslaughter."

SENTENCE.—And the commission does therefore sentence them, the accused Camelo Mendoza and Ciriaco de la Rosa, natives, "to be confined at hard labor, at such place as the reviewing authority may designate, for a period of fifteen (15) years."

In the foregoing cases of Liberato Lazaro, Regino Cervantes, and Ciriaco de la Rosa and Camelo Mendoza, natives, it appears by the evidence that these accused were insurgent guerrillas who, in the ordinary dress of men engaged in peaceful pursuits, operated within the lines of occupation of the United States forces; that because of special trust reposed in them by their senior officers they were selected with others to take charge of José Buencamino—who had accepted office as the American presidente of San Miguel de Mayumo, and was then held by the insurgents as a prisoner—and to conduct him to a secluded spot and kill him. This order was carried out by these accused under the direction of Liberato Lazaro, who held the rank of lieutenant, Regino Cervantes giving the fatal blows with a dagger, while Ciriaco de la Rosa and Camelo Mendoza stood by to insure the faithful execution of the order to kill their helpless victim.

Soldiers who in the ordinary dress of citizens steal into or dwell within the lines of the opposing army for the purposes of robbery and murder or to secretly burn and destroy property valuable to such opposing army, or to commit other high crimes, are not entitled to the protection of the laws of war. Such offenders can not plead the orders of their superior officers in justification of their murderous deeds, but like the spy caught in the act within the lines of the opposing forces, they must suffer the consequences of their own acts.

The sentences, approved by the department commander, are confirmed, but as the chief instigator of this wanton murder has already paid the penalty therefor with his life, the sentence in the case of Liberato Lazaro is commuted to imprisonment at hard labor for the term of fifteen years.

The sentences as confirmed in each case, and as commuted in the case of Liberato Lazaro, will be duly executed at the Presidio de Manila, to which these prisoners will be sent under proper guard.

By command of Major General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILLIPINES,
Manila, P. I., December 5, 1901.

General Orders, No. 376.

Before a military commission which convened at Iloilo, Panay, P. I., pursuant to paragraph 3, Special Orders, No. 70, Headquarters Department of the Visayas, March 16, 1901, and of which Maj. Charles J. Crane, U. S. Infantry, Assistant Adjutant-General, was president, and Capt. Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Segundo Las Bañas, a native.

CHARGE I.—"Murder."

Specification.—"In that Segundo Las Bañas, native, did willfully, feloniously, and with malice aforethought murder and kill Placida Catalonia, daughter of José Catalonia, by shooting said Placida Catalonia with a rifle, the bullet therefrom striking said Placida Catalonia in the forehead and passing entirely through the head, thereby inflicting a mortal wound, of which the said Placida Catalonia there and then died. "This at the barrio of Ipil, pueblo Calinog, province of Iloilo, Panay, P. I., then, as now, a time of insurrection against the authority of the United States Government, on or about the 'fourth Wednesday' of February, 1901."

CHARGE II.—"Assault with intent to kill."

Specification.—"In that Segundo Las Bañas, native, did willfully, feloniously, and with malice aforethought, with intent to kill, assault Pas Catalonia, daughter of Silvestre Catalonia, and shoot with a rifle said Pas Catalonia, inflicting a painful

wound, said Pas Catalonia being shot at or near the right ear, the bullet passing through the head and coming out through the right eye. This at the barrio of Ipil, pueblo of Calinog, province of Iloilo, Panay, P. I., then, as now, a time of insurrection against the authority of the United States Government, on or about the 'fourth Wednesday' in February, 1901."

CHARGE III.—"Robbery."

Specification 1.—"In that Segundo Las Bañas did feloniously and forcibly take, steal, and carry away from the presence of and the property of Ramon Alcalde (he herding and watching a herd of carabao) 36 carabao of the value of 1,400 pesos, Mex., said Segundo Las Bañas having first made a prisoner of and having bound the said Ramon Alcalde. This at the barrio of Alibunan, pueblo of Calinog, province of Iloilo, Panay, P. I., then, as now, a time of insurrection against the authority of the United States Government, on or about the 15th day of February, 1901."

Specification 2.—"In that Segundo Las Bañas did feloniously and forcibly take, steal, and carry away from the presence of, and the property of Ramon Alcalde, one carabao, of the value of 40 pesos. Mex., after intimidating and making a prisoner of the said Ramon Alcalde; Segundo Las Bañas being accompanied by 15 men armed with rifles. This at the pueblo, Tapaz, province of Capiz, Panay, P. I., then, as now, a time of insurrection against the authority of the United States Government, on or about the 7th day of February, 1901."

Specification 3.—"In that Segundo Las Bañas did feloniously and forcibly take, steal, and carry away from the person of and the property of Ramon Alcalde, ten pesos, being money of legal tender, of the value of \$5.00 gold, United States currency. This at the pueblo of Tapaz, province of Capiz, Panay, P. I., then, as now, a time of insurrection against the authority of the United States Government, on or about the 7th day of February, 1901."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Segundo Las Bañas, native, "to be hung by the neck till dead, at such time and place as may be directed by the reviewing authority, two-thirds of the members concurring in the death sentence." In the foregoing case it appears that this accused, Segundo Las Bañas, a leader of a band of outlaws which, with intent to rob a corral, fired upon the inmates of the house of the owner and wantonly killed with a rifle a native woman, Placida Catalonia, and wounded in the head a small native girl twelve years of age, causing the loss of her right eye. It further appears that this accused and his band committed other robberies in the manner and form as charged.

No reasonable doubt as to the full guilt of the accused arises from the record, and his murder of a defenseless woman and cruel wounding of an innocent child was wanton and malicious.

The sentence, approved by the Department Commander, is confirmed, and will be duly executed against this accused, Segundo Las Bañas, at Iloilo, Panay, P. I., on the twenty-second (22d) day of January, A. D. 1902, under the direction of the Commanding General, Department of South Philippines.

By command of Major-General Chaffee,

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 6, 1901.

General Orders, No. 378.

Before a military commission which convened at Malabon, Rizal, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 156, Headquarters Department of Northern Luzon, June 8, 1901, and of which Major William H. Cook, surgeon, U. S. Volunteers, was president and 1st Lieutenant Paul Giddings, 3d U. S. Infantry, was judge-advocate, were arraigned and tried Dionicio Jumaquio and Selvino Pangan, natives.

CHARGE I.—"Kidnaping."

Specification.—"In that they, Dionicio Jumaquio and Selvino Pangan, natives, both residents of the pueblo of Paombong, Province of Bulacan, P. I., each of them in company of and consorting with a band of outlaws, armed with guns and bolos, five, more or less, in number, did feloniously and forcibly seize, bind and carry away against his will one Marianno Cruz, native. This on or about the 1st day of December, 1900, a time, then as now, of insurrection against the lawful authority of the United States, at or near the barrio of Capitangan, pueblo of Paombong, Province

of Bulacan, P. I., a place, then as now, under the military government of the United States."

CHARGE II.—"Murder."

Specification.—"In that they, Dionicio Jumaquio and Selvino Pangan, natives, both residents of the pueblo of Paombong, Province of Bulacan, P. I., each of them, in company of and consorting with a band of outlaws, five, more or less, in number, armed, with guns and bolos, under the leadership of the said Dionicio Jumaquio, did feloniously, willfully, and with malice aforethought assault one Marianno Cruz, native, by striking, stabbing, and beating the said Marianno Cruz, native, with bolos, guns, and clubs held in the hands of the said Dionicio Jumaquio and Selvino Pangan, and throwing him, the said Marianno Cruz, bound, into the Calanate River with intent to kill and murder him, from the effects of which he, the said Marianno Cruz, then and there died. This on or about the 1st day of December, 1900, a time, then as now, of insurrection against the military authority of the United States, at or near the barrio of Capitangan, pueblo of Paombong, Province of Bulacan, P. I., a place, then as now, under the military government of the United States."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Dionicio Jumaquio and Selvino Pangan, natives, and each of them, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds (2-3) of the commission concurring therein."

In the foregoing case it appears that these two accused, Dionicio Jumaquio and Selvino Pangan, natives, in company of other outlaws, all armed with clubs and bolos and having with them one rifle, seized, bound, and carried away from his home at Paombong, Bulacan, one Marianno Cruz, who was afflicted with a swelling on the back of his neck, which appears to have created the impression that he was a witch, with power, by occult methods, to make cocoanuts and eggs grow in people's bodies.

Conveying their victim to the river bank they killed him with blows from their clubs, the butt of their gun, and by stabbing him with a dagger. They then cast his body into the river, from whence it was subsequently recovered and identified.

The sentence, approved by the department commander, is confirmed, but in accordance with his recommendation to clemency, and in view of the gross ignorance and superstition of these accused, is commuted as to each of these accused to imprisonment at hard labor for ten (10) years. As thus commuted the sentence will be duly executed at the Presidio de Manila, to which these prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 9, 1901.

General Orders, No. 383.

Before a military commission which convened at Santa Cruz, Laguna, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 256, Headquarters Department of Southern Luzon, September 13, 1901, and of which Capt. Chase W. Kennedy, 8th U. S. Infantry, was president, and First Lieut. John F. James, 8th U. S. Infantry, was judge-advocate, was arraigned and tried Macario del Rosario y Alviar, native.

CHARGE.—"Violation of the laws of war."

Specification 1.—"In that Macario del Rosario y Alviar, a native and inhabitant of Majayjay, Laguna, P. I., a place then, and now, occupied by military forces and under the military government of the United States, having voluntarily taken the oath of allegiance to the United States, and having been placed by United States authorities in a position of profit and trust as lieutenant of native police of Majayjay, Laguna, P. I., did break said oath by deserting to Pedro Caballes, insurgent chief in Majayjay, Laguna, P. I., district. This on or about July 29, 1901, a time then, as now, of insurrection against the authority of the United States, at or near the place above specified."

Specification 2.—"In that Macario del Rosario y Alviar, a native and inhabitant of Majayjay, Laguna, P. I., a place then, as now, occupied by the military forces and under the military government of the United States, having been placed by United States authorities in a position of profit and trust as lieutenant of the native police of Majayjay, Laguna, P. I., and having voluntarily accepted such position, and having received positive orders from Capt. Traber Norman, 8th Infantry, commanding

officer, Majayjay, Laguna, P. I., to arrest all insurgent soldiers and officials entering the town of Majayjay, Laguna, P. I., did fail and neglect to obey such orders. This on or about July 25, 1901, a time then, as now, of insurrection against the authority of the United States, at the place above specified."

Specification 3.—"In that Macario del Rosario y Alviar, a native and inhabitant of Majayjay, Laguna, P. I., a place then, as now, occupied by the military forces and under the military government of the United States, having been placed by United States authorities in a position of profit and trust as lieutenant of the native police of Majayjay, Laguna, P. I., and having voluntarily accepted such position, did, in manifest violation of his duty, without authority, hold communication with the enemy, by receiving the envoys sent him by Pedro Cabelles, insurgent chief of Majayjay, Laguna, P. I., district. This on or about June 25, 1901, a time then, as now, of insurrection against the authority of the United States at the place above specified.

Specification 4.—"In that Macario del Rosario y Alviar, a native and inhabitant of Majayjay, Laguna, P. I., a place then, as now, occupied by the military forces and under the military government of the United States, having been placed by the United States authorities in a position of profit and trust as lieutenant of the native police, and having voluntarily accepted such position, did, in manifest violation of his duty, and without authority, hold communication with the enemy by meeting the envoys of Pedro Caballes, insurgent chief of Majayjay district. This at Pagalot, a barrio of Majayjay, Laguna, P. I., on or about June 24, 1901, a time then, as now, of insurrection against the authority of the United States."

Specification 5.—"In that Macario del Rosario y Alviar, a native and inhabitant of Majayjay, Laguna, P. I., a place, then as now, occupied by the military forces and under the military government of the United States, having been placed by United States authorities in a position of profit and trust as lieutenant of the native police of Majayjay, Laguna, P. I., and having voluntarily accepted such position, did, willfully and in violation of positive orders received from Capt. Traber Norman, 8th Infantry, order and command Simeon Eriga, Severo Argañosa, Mariano Tribe, Juan Berquela, Vicente Soto, and Esequiel Francisco, six native policemen of Majayjay, Laguna, P. I., to procure their arms and accompany him to patrol the roads in the vicinity of Majayjay, Laguna, P. I. This on or about July 29, 1901, a time then, as now, of insurrection against authority of the United States Government, at or near the place above specified."

Specification 6.—"In that Macario del Rosario y Alviar, a native and inhabitant of Majayjay, Laguna, P. I., a place then, as now occupied by the military forces under the military government of the United States, having been placed by the United States authorities in a position of trust and profit and having voluntarily accepted such position, and having without authority commanded and ordered Simeon Eriga, Severo Argañosa, Mariano Tribe, Juan Berquela, Vicente Soto, and Esequiel Francisco, six native policemen of Majayjay, Laguna, P. I., to accompany him to patrol the roads in the vicinity of Majayjay, Laguna, P. I., did surrender, or cause to be surrendered, to Pedro Caballes, insurgent chief of Majayjay, Laguna, P. I., district, or his representatives, the six above specified native policemen, with six (6) Springfield carbines, cal. .45, sixty (60) rounds Springfield ammunition, cal. .45, and six woven cartridge belts, cal. .45, the property of the United States, and for which Capt. Traber Norman, 8th Infantry, is accountable. This on or about July 29, 1901, a time then as now of insurrection against the United States authority, at or near the place above specified."

Specification 7.—"In that Macario del Rosario y Alviar, a native and inhabitant of Majayjay, Laguna, P. I., a place then, as now, occupied by the military forces and under the military government of the United States, having been placed by United States authorities in a position of profit and trust, as lieutenant of the native police of Majayjay, Laguna, P. I., and having voluntarily accepted such position, did, without authority, take one (1) Colt's revolver, cal. .45, and six (6) rounds of revolver ammunition, cal. .45, the property of the United States, and for which Capt. Traber Norman, 8th Infantry, is accountable, and did surrender said revolver to Pedro Caballes, insurgent chief, Majayjay, Laguna, P. I., district. This on or about July 29, 1901, a time then, as now, of insurrection against the authority of the United States, at or near the place above specified."

PLEA.—To the first specification, "guilty." To the second specification, "guilty." To the third specification, "guilty." To the fourth specification, "not guilty." To the fifth specification, "guilty." To the sixth specification, "guilty." To the seventh specification, "guilty." To the charge, "guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Macario del Rosario

y Alviar, native, "to be confined at hard labor, at such place as the reviewing authority may direct, for twenty (20) years."

In the foregoing case it appears that this accused, Macario del Rosario y Alviar, having voluntarily taken the oath of allegiance to the United States Government, and having accepted a position of trust under that Government as lieutenant of police of Majayjay, Laguna, P. I., did violate said oath by deserting to the insurgents within his jurisdiction; holding communication with the enemy; disobeying the orders of his superiors, and surrendering and turning over to the insurgent chief Pedro Cabelles, six native policemen, with their arms and ammunition, and a revolver and six rounds of ammunition, the property of the United States.

The accused pleaded guilty to all the specifications save the one alleging his communication with the enemy, admitting such communication, however, in his statement at the trial. Evidence was taken fully confirming his plea.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which this prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 9, 1901.

General Orders, No. 384.

Before a military commission which convened at Lucena, Tayabas, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 210, Headquarters Department of Southern Luzon, July 29, 1901, and of which Captain Harry H. Bandholtz, 2d U. S. Infantry, was president, and 1st Lieutenant George C. Martin, 2d U. S. Infantry, judge-advocate, were arraigned and tried Marcelo Oliveros, Marciano Alba, Andreano Candelario, Gregorio Cataquis, Lorenzo Constantino, Cresanto Menlio, and Mariano Ortes, natives.

CHARGE.—"Violation of the laws of war."

Specification.—"In that Marcelo Oliveros, Marciano Alba, Andreano Candelario, Gregorio Cataquis, Lorenzo Constantino, Cresanto Menlio, and Mariano Ortes, natives, owing allegiance to the United States, and duly installed members of the municipal police at Unisan, province of Tayabas, Luzon, P. I., did willfully desert said municipal police, carry away with them five (5) cal. .30 magazine rifles, four (4) cal. .45 Remington rifles, and two hundred, more or less, rounds of ammunition, property of the United States issued to them for use, and did join the insurgent forces under Zurbano, then operating in the vicinity of Unisan. This on or about July 2, 1901, in the pueblo above named, a place then as now occupied by the military government of the United States."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Marcelo Oliveros, Marciano Alba, Andreano Candelario, Gregorio Cataquis, Lorenzo Constantino, Cresanto Menlio, and Mariano Ortes, natives, and each of them, "to fifteen (15) years' confinement at hard labor at such place as the reviewing authority may direct."

In the foregoing case it appears that these accused, Marcelo Oliveros, Marciano Alba, Andreano Candelario, Lorenzo Constantino, Cresanto Menlio, Mariano Ortes, and Gregorio Cataquis, natives, were policemen of the pueblo of Unisan, Tayabas, and that each had taken the oath of allegiance to the United States Government. About July 1, 1901, they deserted their service in a body, joined the enemy, with whom they enlisted as soldiers, and carried away with them five magazine rifles, cal. .30, four Remington rifles, cal. .45, and about two hundred rounds of ammunition. These accused were subsequently surrendered as a part of the forces of General Cailles. No reasonable doubt of their full guilt arises from the record.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the presidio de Manila, to which place these prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 9, 1901.

General Orders, No. 385.

Before a military commission which convened at Lucena, Tayabas, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 210, Headquarters Department of Southern Luzon, July 29, 1901, and of which Captain Harry H. Bandholtz, 2d U. S. Infantry, was president and 1st Lieutenant George C. Martin, 2d U. S. Infantry, was judge-advocate, were arraigned and tried: Luciano Quesao, Gregorio Rama, Felix Quebrante, and Justino Yago, natives.

CHARGE I.—“Rape.”

Specification.—“In that Luciano Quesao, Gregorio Rama, Felix Quebrante, and Justino Yago (native Filipinos), and each of them, armed with a gun and bolos, in company with another whose name is unknown, at the barrio of Annos, pueblo of Tayabas, Province of Tayabas, Luzon, P. I., in territory then, as now, occupied by United States troops, and at a time, then as now, of insurrection against the lawful authority of the United States, did unlawfully and feloniously have carnal knowledge of and ravish one Inocenta Kabanero, a native Filipino woman of the age of about twenty-five (25) years, by means of force and against her will.” “This at the place above specified, at about ten (10) o'clock p. m., on or about the 25th day of April, 1901.”

CHARGE II.—“Attempt to rape.”

Specification.—“In that Luciano Quesao, Gregorio Rama, Felix Quebrante, and Justino Yago (native Filipinos), and each of them, armed with a gun and bolos, in company with another whose name is unknown, at the barrio of Annos, pueblo of Tayabas, Province of Tayabas, Luzon, P. I., in territory then, as now, occupied by United States troops, and at a time, then, as now, of insurrection against the lawful authority of the United States, did unlawfully and feloniously have carnal knowledge of, and attempt to ravish, one Victoria Lenor, a native Filipino woman of about the age of twenty-five (25) years, by means of force and against her will.” “This at the place above specified, at about 10 o'clock p. m., on or about the 25th day of April, 1901.”

PLEA.—“Not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, except the words ‘each of them,’ and of the excepted words, not guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty, except the words, ‘each of them,’ and the words ‘unlawfully and feloniously have carnal knowledge of and’ and of the excepted words, not guilty.”

SENTENCE.—And the commission does therefore sentence them, Luciano Quesao, Gregorio Rama, Felix Quebrante, and Justino Yago, natives, and each of them, “To be confined at hard labor for fifteen years at such place as the reviewing authority may direct.”

The evidence in the foregoing case of Luciano Quesao, Gregorio Rama, Felix Quebrante, and Justino Yago, natives, sustains the charges and specifications beyond a reasonable doubt.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which these prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 10, 1901.

General Orders, No. 386.

Before a military commission which convened at Nagcarlang, Laguna, Luzon, P. I., pursuant to paragraph 8, Special Orders, No. 169, Headquarters Department of Southern Luzon, June 18, 1901, and of which Captain Traber Norman, 8th U. S. Infantry, was president, and First Lieut. Charles P. Faulkner, 8th U. S. Infantry, was judge-advocate, was arraigned and tried Barcilesor Narcisso Cabantag, alias Ladroso, a native.

CHARGE I.—“Murder.”

Specification.—“In that he, Barcilesor Narcisso Cabantag, alias Ladroso, a native, on or about April 4, 1901, at about 7 o'clock p. m., then, as now, a time of insurrection, at or near Nagcarlang, Laguna Province, P. I., a place then, as now, under the military government of the U. S., did willfully, feloniously, and with malice aforethought, kill and murder one Juan Velasco, presidente of said town under military

government of the U. S., by shooting the said Velasco with a pistol held in the hands of the said Cabantag, alias Ladroso, inflicting thereby a mortal wound, on said day, in consequence of which the said Velasco did die in about one hour's time, or at eight o'clock on the 4th day of April, 1901."

CHARGE II.—"Assault with intent to kill."

Specification.—"In that he, Barcilesio or Narcisso Cabantag, alias Ladroso, a native, did feloniously assault one Clara Velasco, a native girl, by pointing and pulling the trigger and snapping a loaded revolver at her, with intent to kill. This in time of insurrection, at Nagcarlang, Laguna Province, P. I., a place under the military government of the U. S., on or about the 4th day of April, 1901, at about 7 o'clock p. m."

PLEA.—To the specification, first charge, "guilty;" to the first charge, "guilty;" to the specification, second charge, "not guilty;" to the second charge, "not guilty."

FINDING.—Of the specification, first charge, "guilty, except the word 'pistol,' substituting therefor the words, 'Remington rifle;' of the excepted word, not guilty, and of the substituted words guilty;" of the first charge, "guilty;" of the specification, second charge, "not guilty;" of the second charge, "not guilty."

SENTENCE.—And the commission does therefore sentence him, Barcilesio or Narcisso Cabantag, alias Ladroso, native, "To be hanged by the neck until dead, at such time and place as may be designated by the reviewing authority, two-thirds of the members concurring therein."

In the foregoing case it appears that this accused, Narcisso Cabantag, as a result of a previous difficulty with deceased, Juan Velasco, local presidente of Nagcarlang, Laguna, over a gambling debt, lay in hiding and in wait for the passing of a church procession in which marched deceased, who, as he passed the ambush, was shot to death with a Remington rifle, discharged at short range by this accused.

Of this crime accused pleaded guilty, but the commission properly received evidence of the merits of the case. The crime, as found, was fully proven, and in his testimony the accused himself freely admitted all of the essential facts necessary to constitute the offense. No circumstance of legal justification or extenuation appears of record.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Santa Cruz, Laguna, Luzon, P. I., on the fifteenth (15th) day of January, A. D. 1902, under the direction of the commanding general, Department of North Philippines.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 10, 1901.

General Orders, No. 387.

Before a military commission, which convened at Vigan, Ilocos Sur, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 184, Headquarters Department of Northern Luzon, July 7, 1901, and of which Major Edgar Z. Steever, 3d U. S. Cavalry, was president, and 2d Lieutenant Frank B. Davis, 5th U. S. Infantry, was judge-advocate, was arraigned and tried Austin Aguilar, native.

CHARGE.—"Murder."

Specification.—"In that Augustin Aguilar, a native Filipino, did on or about May 14, 1900, at or near Maxinal, a barrio of the pueblo of Salcedo, province of South Ilocos, Luzon, in territory occupied by United States troops, at a time of insurrection against the lawful authority of the United States, in company with Enrique Alacar, Marciano Galleta, Leoncio Galleta, and Juan Suni, all Filipinos, set upon and take and carry away Antonio Abaya, a native Filipino, and he, the said Augustin Aguilar, did willfully, feloniously, and with malice aforethought kill and murder the said Antonio Abaya, by beating him with a club and by cutting the throat of the said Antonio Abaya with a bolo held in the hand of Augustin Aguilar, thereby inflicting wounds of which the said Antonio Abaya then and there died. This at or near barrio of Maxinal, pueblo of Salcedo, province of South Ilocos, on or about May 14, 1900."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Augustin Aguilar, "To be hanged by the neck until dead, at such place as the reviewing authority may designate, two-thirds of the members of the commission concurring therein."

In the foregoing case, it appears that this accused, Augustin Aguilar, was a leader of a band of armed outlaws known as "Sandatahans;" that in company of members of

his band he repaired to the house of Antonio Abaya, accused of being a spy, and out of mere wanton exercise of assumed authority, then and there, personally beat him over the head with a club and subsequently cut his throat with a saber, from the effects of which Abaya then and there died.

Upon the witness stand the accused gave another reason for this murder, which was that the community desired it because decedent had "a bad sickness." Of this there is no proof; but if it were true as alleged, it would only add to the savage aspect of the crime. The lesson must be learned that all men who take the lives of their neighbors for any reason not first determined by public trial in a court of law, must expect to suffer death themselves if tried and convicted of such unlawful taking of the lives of their neighbors.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for life; and as thus commuted, will be duly executed at the Presidio de Manila, to which the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 13, 1901.

General Orders, No. 391.

Before a military commission which convened at Oroquieta, Mindanao, P. I., pursuant to paragraph 1, Special Orders, No. 137, Headquarters Department of Mindanao and Jolo, July 13, 1901, and of which Captain Francis J. Koester, 15th U. S. Cavalry, was president, and 2d Lieutenant Arthur J. Lynch, 15th U. S. Cavalry, was judge-advocate, was arraigned and tried Baltizar Saldivar, native.

CHARGE I.—"Being a member of and abetting in the work of an organized band of armed outlaws, contrary to the laws and usages of war."

Specification.—"In that he, Baltizar Saldivar, native, was a member of and did consort and act with a band of armed outlaws to the number of fourteen (14), more or less, commanded and led by one Julio Roda, native, the said band during the time the said Baltizar Saldivar was consorting and acting with it as aforesaid, was actually engaged in robbery, arson, and assassination in and near the barrio of Macpan, pueblo of Jiminez, province of Misamis, P. I. This at or near the place specified, a place, then as now, within the theater of active military operations by the United States forces, during the month of January, 1901, a time, then as now, of insurrection against the United States."

CHARGE.—"Murder."

Specification 1.—"In that he, Baltizar Saldivar, native, in company of and consorting with armed outlaws to the number of fourteen (14), more or less, commanded and led by one Julio Roda, native, did willfully and feloniously abet and assist in murdering one Eugenio Sarmiento, native, by stabbing him, the said Eugenio Sarmiento, with knives and bolos held in the hands of members of the said band of outlaws, inflicting wounds whereof the said Eugenio Sarmiento then and there died. This in time of insurrection against the United States, on or about the 9th day of January, 1901, at or near the barrio of Macpan, province of Misamis, P. I., a place then, as now, in the theater of military operations."

Specification 2.—"In that he, Baltizar Saldivar, native, in company of and consorting with armed outlaws to the number of fourteen (14), more or less, commanded by one Julio Roda, native, did willfully, feloniously, and with malice aforethought murder and kill one native Filipino, name unknown, by stabbing him, the said native Filipino, with knives and bolos held in the hands of the said Baltizar Saldivar, and of the said outlaws, inflicting wounds whereof the said native Filipino then and there died. This in time of insurrection against the United States, on or about the 9th day of January, 1901, at or near the barrio of Macpan, pueblo of Jiminez, province of Misamis, P. I., a place, then as now, in the theater of military operations."

Specification 3.—"In that he, Baltizar Saldivar, native, in company and consorting with armed outlaws to the number of three (3), more or less, did willfully, feloniously, and with malice aforethought murder and kill Santiago Maglipac, native, by stabbing him, the said Santiago Maglipac, with knives and bolos held in the hands of the said Baltizar Saldivar, and of the said outlaws, inflicting wounds whereof the said Santiago Maglipac then and there died. This in time of insurrection against the United States, on or about the 17th day of May, 1901, at or near the barrio of San Vicente, pueblo of Oroquieta, province of Misamis, P. I., a place then, as now, in the theater of military operations."

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “guilty, except the word ‘arson’ and of the excepted word not guilty.” Of the first charge, “guilty.” Of the first specification, second charge, “not guilty.” Of the second specification, second charge, “guilty.” Of the third specification, second charge, “guilty.” Of the second charge, “guilty.”

SENTENCE.—And the commission does therefore sentence the accused, Baltizar Saldivar, “To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Baltizar Saldivar it appears that the accused was an active member of an armed band of outlaws commanded by one Julio Roda, engaged in depredations, robberies, and assassinations in and near Jiminez, province of Misamis, which band was sworn to “War to the knife” against all friendly to the Americans; that he personally aided and participated in the murder of an unknown native at Macpan by stabbing and cutting him to death with knives and bolos, actuated by a suspicion that the victim was an American spy, and that he similarly and with like motive killed one Santiago Maglipac at San Vicente, pueblo of Oroquieta, Misamis.

The accused pleaded “guilty” to all of the charges and specifications, which plea was properly rejected and evidence received fully establishing his guilt as found.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Oroquieta, Mindanao, on the fifteenth (15th) day of January, A. D. 1902, under the direction of the commanding general, Department of South Philippines.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 14, 1901.

General Orders, No. 392.

Before a military commission which convened at Camiling, Province of Tarlac, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 239, Headquarters Department of Northern Luzon, December 29, 1900, and of which Captain William L. Buck, 13th U. S. Infantry, was president, and 1st Lieutenant Alexander M. Wetherill, 13th U. S. Infantry, was judge-advocate, were arraigned and tried: Ricardo Reyes, Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguing, natives.

CHARGE I.—“Murder.”

Specification 1.—“In that Ricardo Reyes, Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguing, natives, and each of them, on or about May 7, 1900, then as now a time of insurrection, at or near the barrio of Pao Primero, pueblo of Camiling, Province of Tarlac, a place, then as now, of active military operations, to the number of six (6) more or less, forming a band of armed outlaws, commanded and led by the said Ricardo Reyes and Patricio Mateo, did, wilfully, feloniously, and with malice aforethought, kill and murder one Roman Daos, a native, by shooting him, the said Daos, with a rifle held in the hands of the herein-before-mentioned Claudio Mateo or other members of said band, inflicting wounds therewith whereof the said Daos then and there died.”

Specification 2.—“In that they, Ricardo Reyes, Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguing, natives, and each of them, on or about May 7, 1900, then as now a time of insurrection, at or near the barrio of Pao Primero, pueblo of Camiling, Province of Tarlac, P. I., a place, then as now, in the theater of active military operations, to the number of six (6) more or less, forming a band of armed outlaws, commanded and led by said Ricardo Reyes and Patricio Mateo, did, wilfully, feloniously, and with malice aforethought, kill and murder one Eulalia Mangalaan, a native, wife of Roman Daos, a native, by bolos, held in the hands of members of said band, inflicting wounds therewith whereof she, the said Eulalia Mangalaan, then and there died.”

CHARGE II.—“Assault and battery, in violation of the laws and usages of war.”

Specification 1.—“In that they, Ricardo Reyes, Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguing, natives, and each of them, on or about May 7, 1900, then as now a time of insurrection, at or near the barrio of Pao Primero, pueblo of Camiling, Province of Tarlac, P. I., a place, then as now, in the theater of active military operations, to the number of six (6), more or less, forming a band of armed outlaws, commanded and led by the said Ricardo Reyes and Patricio Mateo, did feloniously and wilfully assault one Roman Daos, a native;

did bind him with a rope, did forcibly take him from his house; did lead, carry, and conduct him against his will to another part of the barrio, and did otherwise bruise, beat and ill-treat him, the said Roman Daos."

Specification 2.—"In that they, Ricardo Reyes, Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguining, natives, and each of them, on or about May 7, 1900, then as now a time of insurrection, at or near the barrio of Pao Primero, pueblo of Camiling, Province of Tarlac, P. I., a place, then as now, in the theater of active military operations, to the number of six (6), more or less, forming a band of armed outlaws, commanded and led by the said Ricardo Reyes and Patricio Mateo; did feloniously and willfully assault one Eulalia Mangalaan, native, wife of one Roman Daos, a native; did bind her with a rope; did forcibly take her from the house; did lead, carry, or conduct her against her will to the barrio of Lingue, pueblo of Camiling, Province of Tarlac, P. I., and did otherwise bruise, wound and ill-treat the said Eulalia Mangalaan."

Specification 3.—"In that they, Ricardo Reyes, Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguining, natives, and each of them, on or about May 7, 1900, then as now a time of insurrection, at or near the barrio of Pao Primero, pueblo of Camiling, Province of Tarlac, P. I., a place, then as now, in the theater of active military operations, to the number of six (6), more or less, forming a band of armed outlaws, commanded and led by the said Ricardo Reyes and Patricio Mateo; did feloniously and willfully assault one Juan Daos, a native; did bind him with a rope; did forcibly take him from his house; did lead, carry, or conduct him against his will to the barrio of Bombon, pueblo of Camiling, Province of Tarlac, P. I.; did otherwise bruise, wound, and ill-treat him, the said Juan Daos, and did deprive him of his liberty for eight (8) hours, more or less."

PLEAS.—"Not guilty."

FINDINGS.—Richard Reyes, "not guilty." Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguining, each and all of them: Of the first specification, first charge, "guilty." Of the second specification, first charge, "guilty." Of the first charge, "guilty." Of the first specification, second charge, "guilty." Of the second specification, second charge, "guilty, except the words 'and did otherwise bruise, wound, and ill-treat the said Eulalia Mangalaan;' of the excepted words, not guilty." Of the third specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore "acquit" him, the said Ricardo Reyes, native; and does therefore sentence them, the said Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguining, each and all of them, natives, "to be hanged by the neck until dead, two-thirds of the commission concurring therein, at such time and place as the reviewing authority may direct."

In the foregoing case it appears that these accused, Patricio Mateo, Claudio Mateo, Pablo Mateo, Jacinto Lorenzo, and Diego Dumaguining, the first as leader and the others as members of an armed band of outlaws, to gratify a feeling of ill will, seized, bound, and carried away to an isolated spot from Camiling, Tarlac, one Roman Daos, where they shot him to death. Returning to the house of their victim, they then carried off his wife, Eulalia Mangalaan, whom they likewise killed.

As no evidence connects the accused Ricardo Reyes with the commission of these crimes, he was properly acquitted and has been set at liberty.

The sentence, approved by the department commander, is confirmed, and will be duly executed against Claudio Mateo, Pablo Mateo, and Jacinto Lorenzo, and each of them, at Camiling, Tarlac, Luzon, P. I., on the fifteenth (15th) day of January, A. D. 1902, under the direction of the commanding general, Department of North Philippines.

Concerning Patricio Mateo, this accused was tried by a military commission in December, 1900, found guilty of murder and sentenced to imprisonment for the term of twenty (20) years, which sentence he is now undergoing in the Presidio de Manila. In view of which the sentence against him herein is remitted.

The sentence against the accused Diego Dumaguining must be ineffective on account of his death at Camiling, August 31, 1901.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 16, 1901.

General Orders, No. 396.

Before a military commission, which convened at Iba, Zambales, P. I., pursuant to paragraph 4, Special Orders, No. 148, Headquarters Department of Northern

Luzon, September 23, 1900, and of which Major Arlington Pond, surgeon, U. S. Volunteers, was president, and 2d Lieutenant Harol D. Coburn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Roberto Sangalang, a native.

CHARGE.—“Murder.”

Specification.—“In that one Roberto Sangalang, native, on or about the 10th day of April, 1900, then as now a time of insurrection, at or near the barrio of Balanbang, province of Zambales, Island of Luzon, P. I., a place then as now under military government of the United States, in company of and consorting with a band of ladrones, armed with rifles and bolos, did wilfully, feloniously, and with malice aforethought, kill and murder one Tito Balisalesa, native, by shooting him and cutting him, the said Tito Balisalesa, with said rifles and bolos held in the hands of members of said band of ladrones, inflicting wounds therewith whereof he, the said Tito Balisalesa, suffering and lingering, died the same day, the 10th day of April, 1900.

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Roberto Sangalang, native, “to be confined at hard labor, at such place * * * as the reviewing authority may direct, for a period of (20) twenty years.”

In the foregoing case it appears that this accused, Roberto Sangalang, was one of a band of armed outlaws that went to the house of Tito Balisalesa at Balanbag, P. I., in the nighttime, and, after calling him out, shot and boloed him to death, on the suspicion that he was an American spy, and that the accused personally struck and cut the victim with his bolo.

The charge and specification are fully proven against this accused, and his admission of his presence with the attacking party is confirmatory of his guilt.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 16, 1901.

General Orders, No. 397.

Before a military commission, which convened at Taal, Batangas Province, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 119, Headquarters Department of Southern Luzon, April 29, 1901, and of which Maj. Frank West, 6th U. S. Cavalry, was president, and 1st Lieut. Le Roy Eltinge, 6th U. S. Cavalry, was judge-advocate, was arraigned and tried Roman Garcia, alias “Malagui,” a native.

CHARGE I.—“Murder.”

Specification.—“In that Roman Garcia, alias Malagui, native, while acting and consorting with a band of twelve outlaws, armed with a gun and several bolos, did wilfully, feloniously, and with malice aforethought, kill and murder one Pablo Avellar, native, by shooting him with a gun held in the hands of the said Roman Garcia, alias Malagui, wounding him in the chest and both arms, from which wounds the said Pablo Avellar did then and there die. This in time of insurrection in or near the barrio of Pinalayan, of the pueblo of Lian, province of Batangas, P. I., on or about the 28th day of April, 1901.”

CHARGE II.—“Robbery.”

Specification.—“In that Roman Garcia, alias Malagui, native, while acting and consorting with a band of 12 outlaws, armed with a gun and several bolos, did wilfully and forcibly take from the following persons, money and property, to wit:

	Mexican currency.
“Tereso Malinay:	
One horse	\$65. 00
Two saddles	6. 50
Merchandise	6. 00
“Meno Lama:	
Money	4. 50
Merchandise	3. 00
“Hilarion Leparon:	
Merchandise	7. 00
“Nasario Nueve:	
Merchandise	6. 00

"Mariano Monelo:	Mexican currency.
One horse and colt	\$30.00
Merchandise	7.75
"Obidio Avellar:	
One pony	30.00
Merchandise	4.00

"To the aforesaid values, more or less. This in time of insurrection, in or near the barrio of Pinalayan, of the pueblo of Lian, province of Batangas, P. I., a place under the military government of the United States, on or about the 28th day of April, 1901."

PLEA.—"Not guilty."

FINDING.—Of the specification, first charge, "guilty, except the words, 'by shooting him with a gun held in the hands of the said Roman Garcia, alias Malagui,'" substituting therefor the words, 'by shooting him with a gun held in the hands of a native companion, name unknown, of the said Roman Garcia, alias Malagui,'" and of the excepted words, not guilty; but of the substituted words, guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Roman Garcia, alias Malagui, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years."

In the foregoing case, it appears that this accused, Roman Garcia, alias "Malagui," was a member of a band of armed outlaws that intercepted and attacked a party of natives passing from Balayan to Lian, in the Pilan woods; killed one of them, Pablo Avellar, by shooting him through the arms and chest with a rifle, and robbed the others of various properties and moneys, consisting of four horses and a colt, two saddles, thirty-four pesos and merchandise to the value of about thirty-five pesos.

The charges and specifications are fully proven against this accused by six eyewitnesses of the crime, surviving members of the party attacked.

The sentence, approved by the department commander, is confirmed, his view that the sentence is inadequate being concurred in. The sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 16, 1901.

General Orders, No. 398.

Before a military commission, which convened at Taal, province of Batangas, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 119, Headquarters Department of Southern Luzon, April 29, 1901, and of which Maj. Frank West, 6th U. S. Cavalry, was president, and 1st Lieut. Le Roy Eltinge, 6th U. S. Cavalry, was judge-advocate, was arraigned and tried Ruperto Incion, a native.

CHARGE.—"Murder."

Specification.—"In that Ruperto Incion, a native, consorting and acting with Blas Incion, a native, and one other native, name unknown, did by concerted effort with the said Blas Incion, and one other native, name unknown, feloniously, willfully, deliberately and with malice aforethought, kill and murder Dionicio Games, a native, by aiding, permitting and abetting the cutting, wounding, and stabbing of the said Dionicio Games with deadly weapons known as bolos, held in the hands of the said Ruperto Incion, Blas Incion, and native, name unknown, from which wounds from the said bolos, produced by the joint action of the parties aforesaid, to wit, Ruperto Incion, Blas Incion, and native, name unknown, the said Dionicio Games, did then and there die. This at the barrio Dalig, pueblo of Balayan, then, as now, under the sovereign jurisdiction of the United States; on or about the 1st day of November, 1901, then as now a time of insurrection against the supreme authority of the United States."

PLEA.—"Not guilty."

FINDING.—Of the specification, "guilty, except the words, 'with deadly weapons known as bolos, held in the hands of the said Ruperto Incion, Blas Incion, and native, name unknown, from which wounds from the said bolos, produced by the joint

action of the parties aforesaid, to wit, Ruperto Incion, Blas Incion, and the native, name unknown, the said Dionicio Games did then and there die;' substituting therefor the words 'with a deadly weapon known as a bolo held in the hands of Blas Incion and a club held in the hands of Ruperto Incion from which wounds, from the said weapons, produced by the joint action of the parties aforesaid, to wit, Ruperto Incion and Blas Incion, the said Dionicio Games did die the following day;' and of the excepted words not guilty, but of the substituted words, guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Ruperto Incion, native, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years."

In the foregoing case, it appears that this accused, Ruperto Incion, armed with a club, in company with his two brothers, armed with knives, repaired to the house of their brother-in-law, Dionicio Games, at barrio Dalig, Balayan, Batangas, P. I., and there became involved in a dispute over money due Games from the three brothers. During this dispute, this accused struck deceased on the head with a club, one of the brothers stabbed him through the breast and the other cut him on the wrist, from the effects of which injuries said Games died on the following day.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place this accused, Ruperto Incion, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. Hall,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 17, 1901.

General Orders, No. 400.

Before a military commission, which convened at Vigan, South Ilocos, P. I., pursuant to paragraph 5, Special Orders, No. 269, Headquarters Department of Northern Luzon, October 18, 1901, and of which Major Edgar Z. Steever, 3d U. S. Cavalry, was president, and 1st Lieutenant Ralph E. Ingram, 5th U. S. Infantry, was judge-advocate, were arraigned and tried: Simplicio Molina and Dionicio Tabay, natives.

CHARGE.—"Murder."

Specification.—"In that Simplicio Molina and Dionicio Tabay, natives, while in company of and consorting with a band of armed outlaws, names and numbers unknown, did wilfully, feloniously, and with malice aforethought, kill and murder one Teodorico Gallardo, native, by cutting or stabbing the same with a dagger or other sharp instrument held in the hands of Simplicio Molina, member of said band, from which cutting and wounding the said Teodorico Gallardo did there and then die. This in the month of January, 1901, in a time of insurrection, in a place occupied by the military forces of the United States, to wit, near the barrio of Paras, in the jurisdiction of Santo Domingo, Province of Ilocos Sur."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Simplicio Molina and Dionicio Tabay, each and both of them, "To be hung by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the members of the commission concurring therein." In the foregoing case it appears that these two accused, Simplicio Molina and Dionicio Tabay, at or near Santo Domingo, Ilocos Sur, in January, 1901, seized one Teodorico Gallardo, suspected of being an American spy, and while one held the victim the other stabbed him to death with a dagger.

The crime, as charged, is convincingly proven against these accused, and they make no denial of their active participation in the same as alleged.

The sentence, approved by the department commander, is confirmed, and will be duly executed against these accused, Simplicio Molina and Dionicio Tabay, at Bantay, Ilocos Sur, Luzon, P. I., on the twenty-second (22d) day of January, A. D. 1902, under the direction of the commanding general, Department of North Philippines.

By command of Major-General Chaffee:

W. P. Hall,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 17, 1901.

General Orders, No. 401.

Before a military commission, which convened at Taal, Province of Batangas, P. I., pursuant to paragraph 3, Special Orders, No. 119, Headquarters Department of Southern Luzon, April 29, 1901, and of which Major Frank West, 6th U. S. Cavalry, was president, and 1st Lieutenant Le Roy Eltinge, 6th U. S. Cavalry, was judge-advocate, was arraigned and tried José Barcelon, a native.

CHARGE I.—“Mutilating corpses, in violation of the laws of war” (1 specification).

CHARGE II.—“Kidnapping.”

Specification 1.—“In that José Barcelon, native, in company of and consorting with a band of armed outlaws, number and names unknown, did forcibly seize and carry away, against his will and consent, one Hilarion Limjoco, native. This in time of insurrection, at or near the pueblo of Lian, Batangas Province, P. I., a place under the military government of the United States, on or about the 15th day of October, 1900.”

Specification 2.—“In that José Barcelon, native, in company of and consorting with a band of armed outlaws, number and names unknown, did forcibly seize and carry away, against her will and consent, one Severina Villacruz, native woman. This in time of insurrection, at or near the barrio of Natipuan, near the pueblo of Nasugbu, Batangas Province, P. I., a place under the military government of the United States, on or about the 9th day of February, 1901.”

Specification 3.—“In that José Barcelon, native, in company of and consorting with a band of armed outlaws, number and names unknown, did forcibly seize and carry away Hilario Esquerrez and Licenando Lamante, natives. This in time of insurrection, at or near Natipuan, District of Nasugbu, Batangas Province, P. I., a place under the military government of the United States, on or about the 4th day of February, 1901.”

CHARGE III.—“Robbery” (3 specifications).

PLEA.—“Not guilty.”

FINDING.—Of the first charge and its specification, “not guilty;” of the first specification, second charge, “guilty;” of the second specification, second charge, “guilty;” of the third specification, second charge, “guilty;” of the second charge, “guilty;” of the third charge and its specifications, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, José Barcelon, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years.

In the foregoing case it appears that this accused, José Barcelon, a native, with a band of armed outlaws, of which he was captain, seized, carried away against their consent, and restrained of their liberties Hilarion Limjoco, Severina Villacruz, a woman, Hilario Esquerrez and Licenando Lamante—the three last never having since returned to their homes, their fate remaining unexplained.

Of the first charge and its specification accused was properly acquitted, no evidence of the commission of these offenses appearing of record; and as to the third charge and its specifications, there is not sufficient evidence to connect accused with the crimes.

The sentence, approved by the department commander, is confirmed, and will be duly executed at the Presidio de Manila, to which place this accused, José Barcelon, will be sent under proper guard.

By Command of Major-General Chaffee:

W. P. HALL.
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 17, 1901.

General Orders, No. 402.

Before a military commission, which convened at Nueva Caceres, Province of Camarines Sur, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 166, Headquarters Department of Southern Luzon, June 15, 1901, and of which Major Arthur Williams, 26th U. S. Infantry, was president, and Captain James A. Lynch, 28th U. S. Infantry, was judge-advocate, were arraigned and tried: José Santa Maria, Albert de los Santos, Donato Briones, Carlos Quinones, and Fulgencio de la Cruz, natives.

CHARGE I.—“Kidnapping.”

Specification.—“In that José Santa Maria, Alberto de los Santos, Donato Briones, Carlos Quinones; and Fulgencio de la Cruz, natives, in company with other natives, number and names unknown, did seize and carry away the persons of Pedro San

Vicente, Euphemia Tortones, Euduviges Guerrera, Valerio Guerrera, Maximo Gonzales, Mariano Cabaltea, Alejandro (surname unknown), and Aquilina (surname unknown), against their wills and consent. This on or about the 7th of April, 1900, then as now a time of insurrection, at or near the barrio of Cabusao, jurisdiction of Libmanan, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States."

CHARGE II.—"Assault with intent to kill."

Specification.—"In that José Santa Maria, Alberto de los Santos, Donato Briones, Carlos Quinones, and Fulgencio de la Cruz, natives, in company with other natives, names and number unknown, armed with swords, bolos, and clubs, did make a violent assault upon the persons of Euphemia Tortones, Maria Guerrera, and Maximo Gonzales, by striking them with bolos or clubs, or with both, held in the hands of said natives, inflicting serious wounds upon the persons of Euphemia Tortones, Maria Guerrera, and Maximo Gonzales, with the intent then and there, feloniously, wilfully, and with malice aforethought, to kill and murder the said Euphemia Tortones, Maria Guerrera, and Maximo Gonzales. This on or about the 7th of April, 1900, then as now a time of insurrection, at or near the barrio of Cabusao, jurisdiction of Libmanan, Camarines Sur, Luzon, P. I., a place, then as now, under the military authority of the United States."

CHARGE III.—"Murder."

Specification.—"In that José Santa Maria, Alberto de los Santos, Donato Briones, Carlos Quinones, and Fulgencio de la Cruz, natives, in company with other natives, number and names unknown, armed with swords, bolos, and clubs, did wilfully, feloniously, and with malice aforethought, kill and murder Pedro San Vicente, Euduviges Guerrera, Valerio Guerrera, Mariano Cabaltea, Alejandro (surname unknown), and Aquilina (surname unknown), by striking them with bolos or clubs, or with both, inflicting wounds from which they then and there, or shortly afterwards, died. This on or about the 7th of April, 1900, then as now a time of insurrection, at or near the barrio of Cabusao, jurisdiction of Libmanan, Camarines Sur, Luzon, P. I., a place, then as now, under the military authority of the United States."

PLEAS.—"Not guilty."

Findings.—José Santa Maria, Donato Briones, and Fulgencio de la Cruz, "guilty." Alberto de los Santos and Carlos Quinones, of the specification, first charge, "guilty;" of the first charge, "guilty;" of the specification, second charge, "not guilty;" of the second charge, "not guilty;" of the specification, third charge, "not guilty;" of the third charge, "not guilty."

Sentence.—And the commission does therefore sentence José Santa Maria, Donato Briones, and Fulgencio de la Cruz, each and every one of them, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring."

And Alberto de los Santos and Carlos Quinones, each and every one of them, "To be confined at hard labor, at such place as the reviewing authority may direct, for ten (10) years."

In the foregoing case, it appears that these five accused, José Santa Maria, Alberto de los Santos, Donato Briones, Carlos Quinones and Fulgencio de la Cruz, and other armed outlaws and participators in its crimes, seized, bound, and carried away from the barrio of Cabusao, Camarines Sur, five native men and four women, two of whom were mere children. Conveying them to isolated spots, these accused, José Santa Maria, Donato Briones and Fulgencio de la Cruz, viciously assaulted them with bolos and clubs and with intent to kill, and did, in fact, kill Pedro Vicente, Euduviges Guerrera (a girl), Valerio Guerrera, Cabaltea, a man named Alejandro and a woman Aquilina, while the woman and girl, Euphemia Tortones and Maria Guerrera, were grievously wounded and left for dead where they fell. No other motive for this barbarous crime, other than that of attempted intimidation of the community and enforced recognition of the authority of these accused as so-called insurgents and "Defenders of their country" appears of record.

The sentence, approved by the department commander, is confirmed, and will be duly executed against accused José Santa Maria and Donato Briones at Nueva Caceres, Camarines Sur, Luzon, P. I., on the twenty-second (22d) day of January, A. D. 1902, under the direction of the Commanding General, Department of North Philippines.

The sentences against accused, Alberto de los Santos and Carlos Quinones, have been carried into effect by the department commander.

The sentence against the accused, Fulgencio de la Cruz, must be ineffective on account of his death on August 24, 1901.

By Command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 19, 1901.

General Orders, No. 406.

Before a military commission, which convened at Calamba, Laguna, P. I., pursuant to paragraph 7, Special Orders, No. 282, Headquarters Department of Southern Luzon, October 9, 1901, and of which Major Daniel Cornman, 21st U. S. Infantry, was president, and Second Lieutenant Clenard McLaughlin, 21st U. S. Infantry, was judge-advocate, was arraigned and tried Gabino Cansanay, a native.

CHARGE.—“Murder, in violation of the laws of war.”

Specification.—“In that Gabino Cansanay, a native Filipino, did, on or about December 17, 1900, near the barrio of Gulod, pueblo of Calamba, province of Laguna, Luzon, P. I., in company of and consorting with a band of outlaws, names and numbers unknown, in time of insurrection against the United States, and in territory occupied by United States troops, willfully, feloniously, and with malice aforethought, kill and murder Pedro de la Pena, a peaceable native of Calamba, Laguna Province, P. I., by binding his arms and placing him in a grave about four feet deep, and burying him, while the said Pedro de la Pena was still alive, from the effects of which the said Pedro de la Pena then and there died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Gabino Cansanay, a native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.”

In the foregoing case of Gabino Cansanay, it is alleged that he, with others, at or near the barrio of Gulod, Calamba, P. I., murdered one Pedro de la Pena by binding his arms, placing him in a grave and burying him while he was still alive. The evidence offered in support of this charge is entirely unsatisfactory, contradictory, and unconvincing, given by one native conveniently and accidentally a distant spectator of the alleged deed, and another a confessed participant. Each of these repeatedly contradicts himself and the other on the most material points, and their respective statements, in no single instance agreeing in detail, are highly improbable. A motive is also shown for ex insurgents of that district to persecute accused from his having abandoned them and sought the protection of American lines. The accused, on the other hand, produces evidence that at or about the time of the alleged crime he was harvesting in the fields at Biñan, while the testimony of the United States medical officer who disinterred certain remains, pointed out by a witness for the prosecution as those of deceased, shows that no evidence of a rope or cord with which he could have been bound was found, but, on the contrary, there was in the grave pieces of a mat of the character usually employed by Filipinos for wrapping up their dead on interment.

The accused is entitled to the benefit of every reasonable doubt springing logically from the evidence.

The sentence is disapproved, and the accused, Gabino Cansanay, will be released from custody.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 20, 1901.

General Orders, No. 408.

Before a military commission, which convened at Lucena, Tayabas, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 210, Headquarters Department of Southern Luzon, July 29, 1901, and of which Captain Harry H. Bandholtz, 2d U. S. Infantry, was president, and First Lieutenant George C. Martin, 2d U. S. Infantry, was judge-advocate, were arraigned and tried Prudencio Lacuesta and Evartisto Lacuesta, natives.

CHARGE.—“Murder.”

Specification.—“In that Prudencio Lacuesta and Evartisto Lacuesta (natives), in company with other armed outlaws, did enter the house of Tomas Ragudo (native), in the barrio of Bocal, pueblo of Tayabas, P. I., and did torture the said Tomas Ragudo with extreme cruelty, by burning him about the legs, from the effects of which, after lingering and suffering for five days, the said Tomas Ragudo died. This in time of insurrection, at the above specified place, on or about the 8th day of February, 1901, a place then as now under the military authority of the United States, and in territory occupied by United States troops.”

PLEAS.—“Not guilty.”

FINDING.—Of the specification, “guilty, except the words ‘from the effects of which, after lingering and suffering for five days, the said Tomas Ragudo died,’ and of the excepted words, not guilty.” Of the charge, “not guilty, but guilty of violation of the laws of war.”

SENTENCE.—And the commission does therefore sentence them, Prudencio Lacuesta and Evaristo Lacuesta, natives, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission agreeing.”

In the foregoing case it appears that these accused, Prudencio Lacuesta and Evaristo Lacuesta, with other armed outlaws, entered the house of an aged native, Tomas Ragudo, at Tayabas, from whom they demanded money. Not receiving sufficient to satisfy them, they bound the arms of Ragudo behind his back, tied him up to a rafter, wrapped about his legs rags saturated with oil and set fire to the same, in an effort to extort from their victim a confession of hidden moneys. Although it seems to have been generally assumed by the prosecution, the defense, and the commission that Ragudo died from the effects of this treatment, as charged in the specification, no particle of evidence to this effect appears of record, and this reprehensible carelessness of the commission compelled the department commander to return the proceedings for reconsideration of a finding totally unsupported by the evidence.

The finding of guilty of murder was accordingly revoked and one of guilty of the laws of war, fortunately permissible and adequate for the doing of justice, was substituted.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the term of twenty years, and as thus commuted will be duly executed at the Presidio de Manila, to which the prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES.

Manila, P. I., December 20, 1901.

General Orders, No. 409.

Before a military commission, which convened at Vigan, Ilocos Sur, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 269, Headquarters Department of Northern Luzon, October 18, 1901, and of which Major Edgar Z. Steever, 3d U. S. Cavalry, was president, and 1st Lieutenant Ralph E. Ingram, 5th U. S. Infantry, was judge-advocate, was arraigned and tried:

I.—Estanislao Silvaña, a native.

CHARGE.—“Murder.”

Specification.—“In that Estanislao Silvaña, native, resident of the barrio of Turod, pueblo of Cabugao, Ilocos Sur, P. I., on or about the 23d day of December, 1900, then as now a time of insurrection, at or near the barrio of Turod, pueblo of Cabugao, Ilocos Sur, P. I., a place then, as now, in the theater of active military operations, in company of and with other natives, namely, Emitterio Sonido, Juan Sudayon and Cosme Sopapo, did willfully, feloniously and with malice aforethought kill and murder Liverato Arcebal, a native in the employ of the United States, by garroting him, the said Arcebal, native, whereof the said Arcebal then and there died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Estanislao Silvaña, a native Filipino, “To be hung by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the members of the commission concurring therein.”

II.—Juan Sudayon, a native.

CHARGE.—“Murder.”

Specification.—(Same as above.)

PLEA.—To the specification, “guilty of the facts as stated, but admits no intent, stating that he was ordered to do the same by whom he considered higher authority.” To the charge, “not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Juan Sudayon, native, “To be hanged by the neck until dead, at such time and place as the

reviewing authority may designate, two-thirds of the members of the commission concurring therein."

In the foregoing cases, it appears that these accused, Estanislao Silvaña and Juan Sudayon, consorting with other outlaws, forcibly seized, conveyed to an isolated spot and there garroted one Liverato Arcebal, an employee of the United States, by first binding him to a tree, wrapping about his throat a pliable piece of green bamboo, and pulling the ends thereof until the victim was choked to death.

It appears that the accused each personally manipulated one end of this bamboo and participated in the capture and sequestration of the victim.

These accused set up the customary defense of duress, arising through fear of disobedience of the orders of their chief, to kill. But there is no evidence to negative the fact of their willingly banding themselves with their outlaw chief and murderous associates; nor can it be taken as a fact that they would have suffered death as the penalty of their disobedience.

All who band themselves together for the purpose of murder must expect the penalty the law affixes to that crime. The duty of all men to refuse association with murderous societies and bands is plain; and the severest penalties of the law must follow all who prefer to do murder with bandits to individual liberty of action as honest and law-abiding men.

The sentences, approved by the Department Commander, are confirmed, but are each commuted to imprisonment at hard labor for the term of thirty years, and as thus commuted will be duly executed at the Presidio de Manila, to which these prisoners will be sent under proper guard.

By command of Major General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 26, 1901.

General Orders, No. 414.

Before a military commission, which convened at Nueva Caceres, Camarines Sur, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 166, Headquarters Department of Southern Luzon, June 15, 1901, and of which Major Arthur Williams, 26th U. S. Infantry, was president, and Captain James A. Lynch, 28th U. S. Infantry, was judge-advocate, was arraigned and tried Modesto de la Cruz, native.

CHARGE I.—"Kidnaping."

Specification.—"In that Modesto de la Cruz, native, in company with other natives, names unknown, to the number of twenty, more or less, armed with bolos and clubs, of which party of natives the said Modesto de la Cruz was leader, did seize, bind, and carry away against their wills and consent, José Alicorcor, Prudencio Alicorcor, Felipa Alicorcor, Severina Alicorcor, and Siriaco Alicorcor. This about the month of October, 1900, then as now a time of insurrection, at or near the pueblo of Camaligan, Camarines Sur, Luzon, P. I., a place then as now under the military authority of the United States."

CHARGE II.—"Murder."

Specification.—"In that Modesto de la Cruz, native, in company with other natives, names unknown, to the number of twenty, more or less, armed with bolos and clubs, of which party of natives the said Modesto de la Cruz was the leader, did kill and murder Cipriana Mendoza by striking her with a sharp instrument held in the hands of said natives, and by throwing her body into the Bicol River, where it was found, life being extinct. This about the month of October, 1900, then as now a time of insurrection, at or near the pueblo of Camaligan, Camarines Sur, Luzon, P. I., a place then as now under the military authority of the United States."

PLEA.—"Not guilty."

FINDINGS.—Of the specification, first charge, "Guilty." Of the first charge, "Guilty." Of the specification, second charge, "Guilty, except the word 'natives,' after the words 'held in the hands of said,' substituting therefor the words 'Modesto de la Cruz,' and inserting the words 'a branch of' before the words the 'Bicol River;' of the excepted word not guilty, and of the substituted and inserted words guilty." Of the second charge, "Guilty."

SENTENCE.—And the commission does, therefor, sentence him, Modesto de la Cruz, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that this accused, Modesto de la Cruz, accompanied by a band of armed outlaws, of which he was chief, forcibly seized and carried away

from their homes into captivity José Alicorcor, Prudencio Alicorcor, Felipa Alicorcor, Severina Alicorcor, and Siriaco Alicorcor, and, incidentally, that this accused maliciously, with his own hand, killed, by stabbing with a dagger through the breast, Cipriana Mendoza, wife of José Alicorcor, because of her screaming and making a noise during the kidnapping of her husband and family, as above stated.

No reasonable doubt as to the guilt of this accused arises from the record.

The sentence, approved by the department commander, is confirmed, and will be duly executed against this accused, Modesto de la Cruz, at Nueva Caceres, Camarines Sur, Luzon, P. I., on the 5th day of February, A. D. 1902, under the direction of the commanding general, Department of North Philippines.

By command of Major General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 26, 1901.

General Orders, No. 415.

Before a military commission, which convened at Palanoc, island of Masbate, P. I., pursuant to paragraph 5, Special Orders, No. 11, Headquarters Department of Southern Luzon, January 11, 1901, and of which Capt. Abner Pickering, 2d U. S. Infantry, was president, and Capt. Peter E. Marquart, 2d U. S. Infantry, was judge-advocate, were arraigned and tried Pedro Bandol and Tomas Vargas, natives.

CHARGE.—“Murder.”

Specification.—“In that they, Pedro Bandol and Tomas Vargas, with others unknown, did take from his house one Chinaman, name unknown, and after partially burying him in the ground, did attack him with knives and bolos held in the hands of the said Pedro Bandol and Tomas Vargas, and others unknown, and did inflict on said Chinaman, name unknown, wounds of which the said Chinaman, name unknown, then and there died. This near the town of Uson, island of Masbate, P. I., in the month of December, 1900, in the time of insurrection, the place then as now being under the military control of the United States.”

PLEAS.—“Not guilty.”

FINDING.—Of the specification, “guilty, except the words ‘name unknown’ following the word ‘Chinaman’ (in three different places), substituting therefor the words ‘Enriquez Armeda’ in each case; of the excepted words, not guilty; of the substituted words, guilty.”

SENTENCE.—And the commission does therefore sentence him, Pedro Bandol, native, “to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

And the commission does therefore sentence him, Tomas Vargas, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for the period of his natural life.”

In the foregoing case it appears that these accused, Pedro Bandol and Tomas Vargas, with other armed outlaws, took from his house near Masbate, P. I., in the month of December, 1900, a Chinaman, Enriquez Armeda, bound his arms, conveyed him to the beach, there buried him to his neck in the sand and cut his throat, from the effects of which he died. The only disclosed motive was suspicion against the victim for alleged friendliness to the Americans.

A grave error in the proceedings is noted in the relief of one member and the substitution of another at the close of the trial after all the evidence for the prosecution was in and the only further evidence heard was that of the two accused and two of their witnesses, the latter to facts of slight materiality.

In time of war the exigencies of the service render it impracticable to avoid relieving members of military tribunals from their duties as such during the course of a trial, but so long as there remains a legal quorum it is believed a new member or one who has been absent should not be permitted to take his seat in a case where any oral evidence had in his absence been received. Such a rule would end the ever-recurring comment occasioned by irregularities growing out of the present practice of permitting members absent from prior sessions to take their seats during the pendency of a trial.

In any case under the prevailing practice, where evidence has been received, it is enjoined that the same be read over to the new member, but it does not appear that even this most reasonable qualification of the rule was observed in this case.

It remains to be noted that there was no urgent reason under the summary proceedings of a military commission why the new member should have been permitted

to take part in this trial. Two members were present, but even one may proceed to a final determination. While such a contingency should, if practicable, be avoided, it is more consonant with reason for one member to hear and determine a cause than for a new member to come in at the last moment with the possible contingency of his vote deciding the issue. Granted that one member may be expert in the law martial, and it logically follows that it is as fitting to confide to him the issues of life and death as it is to confide, as is customary among most of civilized nations, like issues in time of peace to one judge learned in the civil law. But while it may not be assumed that all officers of the Army are as carefully trained in the law martial as civil judges are trained for the exercise of their large powers, still it remains to be noted that the recorded proceedings of military tribunals are, except in extreme cases of urgent necessity, submitted to men learned in the law before the sentences they impose may be carried into execution.

The law of necessity, more or less urgent and always present in a time of war, reinforces the reason why one member of a war tribunal when left alone in the course of a trial by the exigencies of the service, as in this instance when and where war was flagrant, should carry to a final determination the issue pending before him.

Subject to the foregoing remarks, the proceedings are approved. The evidence leaving no reasonable doubt of the guilt of these accused, the sentences against them, herein approved by the department commander, are confirmed, and in the case of Tomas Vargas the sentence will be duly executed. The sentence against Pedro Bandol is commuted to imprisonment at hard labor for life, and as thus commuted will be duly executed. The Presidio de Manila is designated as the place of confinement, to which these prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 26, 1901.

General Orders, No. 416.

Before a military commission, which convened at Iloilo, Panay, P. I., pursuant to paragraph 3, Special Orders, No. 70, Headquarters Department of the Visayas, March 16, 1901, and of which Lieutenant-Colonel Charles J. Crane, 38th Infantry, U. S. Volunteers, was president, and Captain Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried: *Ciro Deocampo*, a native.

CHARGE.—“Murder.”

Specification.—“In that on or about the 19th day of August, A. D. 1900, then as now a time of insurrection, at or near the barrio of Lacruz, pueblo of Barotac Nuevo, Island of Panay, P. I., a place, then as now, a part of the territory and under the military government of the United States, one *Ciro Deocampo*, a native, consorting with divers other persons, names and numbers unknown, did feloniously and wilfully, with malice aforethought, murder and kill one *Espiridion Fuentes*, a native, at the time sergeant of police of the said pueblo of Barotac Nuevo, by then and there cutting and striking the said *Espiridion Fuentes* with a sharp instrument commonly called a bolo, held in the hands of the said *Ciro Deocampo* and his confederates, then and there, in the manner aforesaid inflicting wounds upon the head and body of the said *Espiridion Fuentes*, and from the effects of which said wounds so inflicted as aforesaid the said *Espiridion Fuentes* then and there died.”

Additional CHARGE.—“Murder.”

Specification.—“In that on or about the 13th day of August, A. D. 1900, then as now a time of insurrection, at or near the pueblo of Barotac Nuevo, Island of Panay, P. I., a place, then as now, a part of the territory under the military government of the United States, one *Ciro Deocampo*, a native, consorting with three or more other persons, names unknown, did feloniously and wilfully, and with malice aforethought, murder and kill one *Narcisio Siantong*, a native, by then and there cutting and striking the said *Narcisio Siantong* with a sharp instrument, commonly called a bolo, held in the hands of the said *Ciro Deocampo* and his confederates, then and there in the manner aforesaid inflicting one or more wounds on the neck and body of the said *Narcisio Siantong*, from the effects of which said wounds, so inflicted as aforesaid, the said *Narcisio Siantong* then and there died.”

PLEAS.—To the charge and its specification, “guilty.” To the additional charge and its specification, “not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, *Ciro Deocampo*,

native, "To be hanged by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring in the death sentence."

In the foregoing case it appears that this accused, Ciro Deocampo, consorting with other armed outlaws, about August 19, 1900, near the barrio of Lacruz, Barotac Nuevo, Panay, enticed one Espiridion Fuentes, a sergeant of police, into a house and there boloed him to death. Again, about August 13, 1900, in the pueblo of Barotac Nuevo, he, with armed companions, entered the house of Narcisio Siantong and killed him by treacherously striking him from behind, almost severing the head of his victim from his body.

The accused pleaded guilty to the first charge and specification, and ample evidence was received on the merits confirmatory of this plea, and upon the whole case no reasonable doubt as to the guilt of this accused as charged arises from the record.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Iloilo, Panay, P. I., on the 5th day of February, A. D. 1902, under the direction of the Commanding General, Department of South Philippines.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 26, 1901.

General Orders, No. 417.

Before a military commission, which convened at Manila, Luzon P. I., pursuant to paragraph 5, Special Orders, No. 269, Headquarters Department of Southern Luzon, September 26, 1901, and of which Major George S. Anderson, 6th U. S. Cavalry, was president, and 1st Lieutenant Frederick E. Johnston, Artillery Corps, U. S. A., was judge-advocate, was arraigned and tried, Gregorio Jocson, native.

CHARGE.—"Murder."

Specification 1.—"In that he, Gregorio Jocson, did, with and by the assistance of other natives, seize and bind the persons of three natives, names unknown, and did with felonious and malicious intent, after having so bound them, direct and cause the burying of these three natives while still alive, so that they then and there died. This in time of insurrection at or near the barrio of Labac, pueblo of Naic, Province of Cavite, P. I., a place under the military government of the United States, on or about the 10th day of April, 1900."

Specification 2.—"In that he, Gregorio Jocson, did, with and by the assistance of other natives, seize and bind the persons of three natives, names unknown, and did with felonious and malicious intent, after having so bound them, direct and cause the assault of these three natives with a deadly weapon, so that they then and there died. This in time of insurrection at or near the barrio of Labac, pueblo of Naic, Province of Cavite, P. I., a place under the military government of the United States, on or about the 10th day of April, 1900."

ADDITIONAL CHARGE.—"Murder."

Specification.—"In that he, Gregorio Jocson, did, in company with other natives, names unknown, enter the town of Looc, Province of Batangas, P. I., and in company with other natives, names unknown, did, with felonious and malicious intent, kill, by shooting with rifles held in the hands of said Gregorio Jocson and other said natives, names unknown, one Talesfaro Magsumbul, presidente of the town of Looc, Batangas Province, P. I., so that he then and there died. This, at or near the town of Looc, Province of Batangas, P. I., a place, then as now, of insurrection against the lawful authority of the United States, on or about the 7th day of November, 1900."

PLEA.—"Not guilty."

FINDING.—Of the first specification, "not guilty;" of the second specification, "not guilty;" of the charge, "not guilty;" of the specification, additional charge, "guilty;" of the additional charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Gregorio Jocson, "To be hanged by the neck until he be dead at such time and place as may be designated by the proper authority, two-thirds of the members of the commission concurring herein."

In the foregoing case it appears that the accused, Gregorio Jocson, a captain of an insurgent company, entered the town of Looc, with twenty-four of his men, en route to Putungan. At this time the town of Looc and all of that section was occupied by the so-called insurgent government under the direction of the local presidentes and insurgent officials, civil and military. Talesfaro Magsumbul, deceased, was an insur-

gent major and military commander there. To him accused applied for permission to enter his jurisdiction with his soldiers for the above purpose mentioned, which was granted. Arriving in a barrio of Looc, accused met deceased, and in the latter's house, in company with other insurgent officers, engaged in friendly conversation, until interrupted by noises of a disturbance outside, whereupon deceased and accused rushed out to ascertain the cause. Deceased saw a native, Julian Ramos, take a gun from one of the soldiers, ordered him to restore it, and upon the order not being complied with rushed upon Ramos with a drawn bolo. Another native, Isayas Tagle, then shot deceased, who fell, and was again shot by Julian Ramos. This accused then instituted an investigation of the killing before the local presidente. Depositions setting forth the above facts were formally drawn up and their truth certified to by the local officials, including all of the witnesses for the prosecution, on the charge of which accused is herein found guilty.

The relations between accused and deceased are shown to have been friendly, and at the time of the killing they were apparently engaged in the common purpose of suppressing a disturbance among the soldiers of the deceased, the native inhabitants, and, possibly, some of the soldiers of accused.

The immediate occasion of the killing was the result of the deceased personally attacking one of his slayers with a bolo to enforce the return of a gun to one of the soldiers of deceased.

There is no evidence that any of the soldiers of accused participated in the killing, and certainly none that accused did so.

But aside from the merits of the case, which in fairness to the accused have been set forth, the trial had upon the additional charge can not be approved. The offense charged was committed within the lines and practically within the camp, for the time being, of the insurgent forces, and directly affected their methods of discipline. All the parties involved were insurgents, the deceased at the time holding the highest military rank. The laws of war do not contemplate, nor could they wisely assume to regulate the discipline of the armed forces of the opposing belligerent.

The proceedings, so far as they relate to the additional charge, are, in the light afforded by the evidence, disapproved. The sentence is disapproved, and the accused will be set at liberty.

By command of Major-General Chaffee :

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 26, 1901.

General Orders, No. 418.

Before a military commission, which convened at Alang-Alang, Leyte, P. I., pursuant to paragraph 1, Special Orders, No. 223, Headquarters Department of the Visayas, December 13, 1900, and of which Maj. Frederick J. Combe, surgeon, U. S. Volunteers, was president, and 1st Lieut. Robert Le Masurier, 43d Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

Francisco Carlos, Silvestre Bollecer, and Graciano Bolosanes, natives.

CHARGE I.—“Robbery.”

Specification.—“In that Francisco Carlos, Silvestre Bollecer, and Graciano Bolosanes, natives, and each of them, on or about the 7th day of October, 1900, then as now a time of insurrection against the United States, at or near the town of Alang-Alang, island of Leyte, P. I., a place, then as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of thirty, more or less, did feloniously and forcibly take, steal, and carry away seven carabaos, of the value of one hundred and fifty (\$150) dollars, more or less, the property of Eulalio Cabalona, Hilario Cabalona, Eulalio Aporillo, and Gregorio Mangallanes.”

CHARGE II.—“Murder.”

Specification.—“In that they, Francisco Carlos, Silvestre Bollecer, and Graciano Bolosanes, natives, and each of them, on or about the 7th day of October, 1900, then as now a time of insurrection against the United States, at or near the town of Alang-Alang, island of Leyte, P. I., a place, then as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of thirty, more or less, did willfully, feloniously, and with malice aforethought kill and murder Bartolome Aporillo, Andres Salamia, Pedro Mangallanes, and Telesforo Yaong, natives, by striking and inflicting wounds upon the bodies of the said Bartolome Aporillo, Andres Salamia, Pedro Magallanes, and Telesforo Yaong with a

sharp instrument held in the hands of the said Francisco Carlos, Silvestre Bollecer, and Graciano Bolosanes, natives, and other members of said band with whom they and each of them were consorting, from which said wounds so inflicted as aforesaid the said Bartolome Aporillo, Andres Salamia, Pedro Mangallanes, and Telesforo Yaong, natives, then and there died."

PLEAS.—"Not guilty."

FINDING.—Francisco Carlos, "not guilty."

Silvestre Bollecer and Graciano Bolosanes. Of the specification, first charge, "guilty, except the words, 'Eulalio Cabalona, Hilario Cabalona, Eulalio Aporillo,' and substituting therefore after the words 'Gregorio Mangallanes,' the words, 'and other parties unknown;' and of the excepted words, not guilty, and of the specification as amended, guilty." Of the first charge, "guilty." Of the specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Silvestre Bollecer and Graciano Bolosanes, natives, "To be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

And the commission does therefore "acquit" him, Francisco Carlos, a native.

In the foregoing case of Silvestre Bollecer, Graciano Bolosanes, and Francisco Carlos, natives, who were jointly tried, it appears that a party of natives, men and women living in Alang-Alang, went into the country in the near vicinity of said pueblo for the purpose of digging camotes and securing other means of leaving; that while engaged in loading their carabaos with the result of their labor, they were approached by a band of bolomen, of whom Silvestre Bollecer and Graciano Bolosanes were active and aggressive members; and first accusing these people of being Americanistas because they lived in Alang-Alang under American authority and protection, made a murderous assault upon and killed four of them. They then seized and drove away seven carabaos belonging to their victims. For such wanton crime the laws, both of war and peace, fix the penalty of death.

The sentence, approved by the department commander, is confirmed, and will be duly executed against the accused, Silvestre Bollecer and Graciano Bolosanes, and each of them, at Catbalogan, Samar, P. I., on the twelfth (12th) day of February, A. D. 1902, under the direction of the commanding general, Department of South Philippines.

Francisco Carlos, having been found not guilty of participation in this crime, will be set at liberty.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,

Manila, P. I., December 27, 1901.

General Orders, No. 419.

Before a military commission which convened at Echague, Isabela, Luzon, P. I., pursuant to paragraph 12, Special Orders, No. 121, Headquarters Department of Northern Luzon, May 3, 1901, and of which Major Levin C. Allen, 16th U. S. Infantry, was president, and 2d Lieutenant Charles L. McKain, 16th U. S. Infantry, was judge-advocate, were arraigned and tried Vicente Castanieto, Maximino Gumangan, Timoteo Carbonel, and Rufino Ofalla, natives.

CHARGE.—"Murder."

Specification 1.—"That Vicente Castanieto, Maximino Gumangan, Timoteo Carbonel, and Rufino Ofalla, natives, and each of them, as leaders of a band of armed outlaws numbering thirty, more or less, did wilfully, feloniously, and with malice aforethought kill and murder Juan Oarang, a native, by beating him with sticks held in the hands of members of said band, from the effects of which the said Juan Oarang then and there died. This on or about the 1st day of February, 1901, a time of insurrection, at or near the pueblo of Ibung, province of Nueva Viscaya, Luzon, P. I., a place under the military government of the United States."

Specification 2.—"That Vicente Castanieto, Maximino Gumangan, Timoteo Carbonel, and Rufino Ofalla, natives, and each of them, as leaders of a band of armed outlaws numbering thirty, more or less, did wilfully, feloniously, and with malice aforethought kill and murder Eulalio Saridon, a native, by burying him in the ground, which interment was performed by members of said band, and from the effects of which said Eulalio Saridon then and there died. This on or about the first day of March, 1901, a time of insurrection, at or near the pueblo of Ibung, province

of Nueva Viscaya, Luzon, P. I., a place under the military government of the United States."

Specification 3.—"That Vicente Castanieto, Maximino Gumangan, Timoteo Carbonel, and Rufino Ofalla, natives, and each of them, as leaders of a band of armed outlaws, numbering thirty, more or less, did wilfully, feloniously, and with malice aforethought kill and murder two native women, namely, Raymunda Alejo and Federica Asuncion, by tying them to stakes and burning them with fire set by members of said band, from the effects of which the said Raymunda Alejo and Federica Asuncion then and there died. This on or about the first day of March, 1901, a time of insurrection, at or near the pueblo of Ibung, province of Nueva Viscaya, Luzon, P. I., a place under the military government of the United States."

PLEAS.—"Not guilty."

FINDINGS.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Vicente Castanieto, Maximino Gumangan, Timoteo Carbonel, and Rufino Ofalla, natives, and each of them, "to be hanged by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the members concurring therein."

In the foregoing case of Vicente Castanieto, Maximino Gumangan, Timoteo Carbonel, and Rufino Ofalla, natives, it appears from the evidence that these accused had been appointed representatives of one Valle, who had recently appeared in the province of Nueva Viscaya as a commissioner of the Katipunan society; that he claimed and exercised despotic powers over the people, and with the aid of his newly appointed officers, these accused, he proceeded to establish respect for his authority by committing the barbarous crimes of burning to death helpless women and murdering with savage cruelty two law-abiding men, in the manner and form as charged.

This case is but an example of many others where "commissioners" have been sent forth by the Katipunan chiefs, which is but another form of designation of the chiefs of insurrection with instructions to terrorize peaceful communities into taking the oath of the Katipunan society and joining hands with the so-called guerrilla, but now degenerate, bands, whose chief occupation is robbery, enforced by murder and assassination of their own people. Patriotism long since ceased to be the guiding motive of these bands. The number of men and women who have been destroyed by their own countrymen under guise of making war upon the American forces now reaches high into the thousands, and the work of these cowardly assassins, now misnamed insurrectos, still goes on in a few districts where they profess to be making war against the United States; but where, in fact, they engage only in terrorizing the people into the surrender of enough property to enrich the leaders and support their ignorant and vicious followers.

The laws of war, having in view the ultimate return of peace with complete protection for the lives and property of the people, denounce upon all such banditti the penalty of death. No matter under what name or society they may seek to disguise their true character as banded assassins, the work of their extermination must go on until chief and follower shall cease their inhuman trade.

But in consideration of the fact that the Katipunan commissioner, Nasario Valle, who was the chief instigator of these crimes and who exercised the terror of his authority over these accused in their perpetration, has paid the penalty therefor with his life, the sentence against these accused, and each of them, is commuted to imprisonment at hard labor for the term of the natural life of each, and as thus commuted will be duly executed at the presidio de Manila, to which these prisoners will be sent under guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 28, 1901.

General Orders, No. 420.

Before a military commission, which convened at Malabon, Rizal, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 156, Headquarters Department of Northern Luzon, June 8, 1901, and of which Maj. William H. Cook, surgeon, U. S. Volunteers, was president, and 1st Lieutenant Paul Giddings, battalion adjutant, 3d U. S. Infantry, was judge-advocate, were arranged and tried Asevero Tablan, Proilan Sera Josip, and Platon Sacdalan, natives.

CHARGE I.—"Kidnaping."

Specification.—"In that they, Asevero Tablan, Proilan Sera Josip, and Platon Sac-

dalan, natives, residents of Paombong, province of Bulacan, P. I., together with others not named, in company of and consorting with a band of armed outlaws, names and numbers unknown, did, each of them, enter the town of Paombong, a place garrisoned by the American forces, and having enticed one Quiterio Hernandez, native, from his house by a letter, did feloniously and with malice aforethought forcibly seize and carry away the said Quiterio Hernandez, native, and convey him to a cuartel at or near Cacatihanonon, pueblo of Paombong, province of Bulacan, and there forcibly detain him, the said Quiterio Hernandez, against his will, for two days, more or less. This on or about the first day of November, 1900, a time, then as now, of insurrection against the lawful authority of the United States, at or near the pueblo of Paombong, province of Bulacan, P. I., a place, then as now, occupied by American troops."

CHARGE II.—"Murder."

Specification.—"In that they, Asevero Tablan, Proilan Sera Jossip, and Platon Sacdalan, natives, residents of the pueblo of Paombong, province of Bulacan, P. I., together with Adriano Pascual, Jose Pascual, Crispin Calayag, and Rufino Rivera, whose whereabouts are at present unknown, in company of and consorting with a band of outlaws, names and numbers unknown, armed with guns and bolos, did, each of them, convey one Quiterio Hernandez, native, to a place where a grave had been prepared, and did feloniously and with malice aforethought assault the said Quiterio Hernandez, native, with bolos held in the hands of members of said band, with intent to kill and murder him, the said Quiterio Hernandez, inflicting wounds from which the said Quiterio Hernandez then and there died. This on or about the third day of November, 1900, a time, then as now, of insurrection against the lawful authority of the United States, at or near the pueblo of Paombong, province of Bulacan, P. I., a place, then as now, occupied by the American forces."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence them, Asevero Tablan and Proilan Sera Josip, natives, and each of them, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

And the commission does therefore sentence him, Platon Sacdalan, native, "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of his natural life."

In the foregoing case it appears that these accused, Asevero Tablan, Proilan Sera Josip, and Platon Sacdalan, residents of Paombong, Bulacan, P. I., enticed one Quiterio Hernandez from his house, seized and carried him off in a banca to an insurgent cuartel, and three days later these two accused, Asevero Tablan and Proilan Sera Josip, and other so-called insurgent soldiers, killed said Hernandez with a bolo and buried him in a newly-made grave excavated on the spot for that purpose.

A statement or deposition of the wife of deceased, attached to the record as an exhibit, was improperly received, being absolutely inadmissible on any theory of the law of evidence, but as the confessions of these accused leave no doubt as to their guilt, no substantial right of theirs has been affected by this error.

The proof connects the accused Platon Sacdalan with the sequestration of deceased in a minor capacity, but does not show that he was present or took any part in the murder or had guilty knowledge of the intent to commit the same or of its commission. He, however, made no disclosure of the kidnapping to the authorities.

The sentence, approved by the Department Commander, is confirmed, but, in accordance with his recommendation, is commuted as to the accused Asevero Tablan and Proilan Sera Josip, and each of them, to imprisonment at hard labor for the period of their natural lives, and as thus commuted will be duly executed.

The sentence against Platon Sacdalan is mitigated to imprisonment at hard labor for the term of five (5) years. The Presidio de Manila is designated as the place of confinement, to which the prisoners will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PACIFIC.

Manila, P. I., December 28, 1901.

General Orders, No. 421.

Before a military commission which convened at Sara, Panay, P. I., pursuant to paragraph 4, Special Orders, No. 177, Headquarters Department of the Visayas, July 10, 1901, and of which Captain Everard E. Hatch, 18th U. S. Infantry, was president,

and 1st Lieutenant Bryan Conrad, 18th U. S. Infantry, was judge-advocate, was arraigned and tried Carlos Suabillo, a native.

CHARGE.—“Robbery.”

Specification 1.—“In that on or about the 13th day of June, 1900, at the town of Concepcion, district of Concepcion, island of Panay, P. I., a place, then as now, under the military government of the United States, one Carlos Suabillo, a native, did on the date and at the place aforesaid, in company of and consorting with a band of armed outlaws to the number of forty (40), more or less, under the command and direction of one Perfecto Pablador, a native, enter the house of Lauerano Pendon, a native, in the town of Concepcion, district of Concepcion, island of Panay, P. I., and forcibly take, steal, and carry away from the house of the said Lauerano Pendon the following property, to wit, he being present aiding and abetting: Jewelry to the value of five hundred dollars (\$500.00); gold and silver coin to the value of five hundred dollars (\$500.00); clothing to the value of four hundred dollars (\$400.00); one rifle to the value of fifty dollars (\$50.00); tobacco to the value of twenty-five dollars (\$25.00); wines to the value of twenty dollars (\$20.00) and twenty-four (24) carabaos to the value of seven hundred and sixty dollars (\$760.000); all of the aforesaid values being in Mexican currency, and the total amounting to two thousand two hundred and fifty-five dollars (\$2,255.00) in Mexican currency, and being the property of the said Lauerano Pendon.”

Specification 2.—“In that on or about the 13th day of June, 1900, at the town of Concepcion, district of Concepcion, island of Panay, P. I., a place then, as now, under the military government of the United States, one Carlos Suabillo, a native, did on the date and at the place aforesaid, in company of and consorting with a band of armed outlaws to the number of forty (40), more or less, under the command and direction of one Perfecto Pablador, a native, enter the house of Tranquilino Longno, a native, in the town of Concepcion, district of Concepcion, island of Panay, P. I., and forcibly take, steal, and carry away from the house of the said Tranquilino Longno the following property, to wit, he being present aiding and abetting: Twenty (20) cabanes of rice to the value of one hundred dollars (\$100.00); jewelry to the value of one hundred dollars (\$100.00); silver currency to the amount of two hundred and fifty dollars (\$250.00); clothing contained in six (6) boxes, to the value of six hundred dollars (\$600.00); tobacco to the value of fifty dollars (\$50.00); and nine carabaos to the value of three hundred and fifteen dollars (\$315.00); all of the aforesaid values being in Mexican currency, and the total value of the articles and carabaos amounting to one thousand four hundred and fifteen dollars (\$1,415.00), Mexican currency, and being the property of the said Tranquilino Longno.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Carlos Suabillo, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for a period of twenty (20) years.”

In the foregoing case it appears that this accused, Carlos Suabillo, a leader of a band of ladrones, in company of some forty members of his band, repaired to the house of a native, Lauerano Pendon, in the town of Concepcion, Panay, and by force and intimidation robbed him of money and property of the total value of 2,255 pesos. Incidentally, he beat the wife of the said Lauerano Pendon with a cane to force her to disclose the hiding place of her valuables. It further appears that this accused on the same night proceeded to the house of one Tranquilino Longno and robbed him of property of the total value of 1,415 pesos.

Robbery for personal gain was the only apparent motive.

This accused is fully identified by eye-witnesses as the leader and chief perpetrator of the crimes charged, and he in no wise controverts this evidence in the testimony of the defense, nor does he personally make any explanation or denial.

The sentence, approved by the Department Commander, is confirmed, and will be duly executed against this accused, Carlos Suabillo, at the presidio de Manila, to which place he will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

EXHIBIT G.

(Part 3.)

Trials of Filipinos by military commission for cruelty against soldiers, January 1, 1900–December 31, 1901.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 24, 1900.

General Orders, No. 9.

Before a military commission which convened at Calamba, P. I., pursuant to paragraph 3, Special Orders, No. 48, dated February 17, 1900, Headquarters Department of the Pacific and 8th Army Corps, and of which Lieutenant-Colonel Edward B. Pratt, 46th Infantry, U. S. Volunteers, was president, and Captain Charles R. Howland, 28th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

I. Raimondo Hernandez, a native.

CHARGE I.—“Murder.”

Specification.—“In that he, Raimondo Hernandez, native, on or about February 2, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did willfully, feloniously, and with malice aforethought kill and murder one Albert Votrie, quartermaster-sergeant, Company K, 39th Infantry, U. S. Volunteers, by shooting him, the said Votrie, with said rifles, and by stabbing him, the said Votrie, with said bolos held in the hands of members of said band, inflicting wounds therewith whereof he, the said Votrie, then and there died; he, the said Hernandez, being then and there present aiding and cooperating with said band. This at the time and place above specified.”

CHARGE II.—“Assault and battery with intent to kill.”

Specification.—“In that he, Raimondo Hernandez, native, on the 2d day of February, 1900, and on each succeeding day to include the 7th day of February, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did make a violent assault upon one Isaac Evans, corporal, Company K, 39th Infantry, U. S. Volunteers, by shooting him, the said Evans, with rifles held in the hands of members of said band, inflicting therewith a wound upon the said Evans, with the intent then and there feloniously, willfully, and with malice aforethought, to kill and murder the said Evans; the said Hernandez being then and there present participating in said assault. This at the time and place above specified.”

CHARGE III.—“Assault with intent to kill.”

Specification.—“In that he, Raimondo Hernandez, native, on or about the 2d day of February, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did make a violent assault upon one Edward Behring, private, Company K, 39th Infantry, U. S. Volunteers, by shooting at him, the said Behring, with said rifles, and by striking at him, the said Behring, with said bolos held in the hands of members of said band, with the intent then and there feloniously, willfully, and with malice aforethought, to kill and murder the said Behring; the said Hernandez being then and there present and participating in said assault. This at the time and place above specified.”

PLEAS.—To the charges and specifications the accused pleaded “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, with the exception of the words ‘by shooting him, the said Votrie, with said rifles and,’ and of the excepted words, not guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty.”

Of the specification, third charge, “guilty, with the exception of the words ‘and by striking at him, the said Behring, with said bolos,’ and of the excepted words, not guilty;” of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, the accused, Riamondo Hernandez, a native, “to suffer death by hanging at such time and place as the reviewing authority may direct; two-thirds of the members concurring therein.”

In the foregoing case of Riamondo Hernandez, native, the findings of the commission are fully sustained by the evidence of record, and the death sentence imposed by it has the express sanction of the laws of war. The reviewing authority, however, is unwilling to direct the execution of the sentence awarded, believing that the accused was influenced to commit the crimes of which he stands convicted by local guerrilla chiefs who are the principal criminals in the affair, and that he was ignorant of the legal consequences to himself attendant upon conviction therefor.

The sentence is confirmed, but is commuted to imprisonment at hard labor for twenty years at the Presidio de Manila, to which point the prisoner will be sent under proper guard.

II. Nicacio Leonor, a native.

CHARGE I.—“Murder, in violation of the laws of war.”

Specification.—“In that he Nicacio Leonor, native, on or about February 2, 1900, then as now a time of insurrection, at or near the Barrio of Bagbag, Pueblo of Tanauan, Island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did make an assault upon and did wilfully, feloniously, and with malice aforethought, kill and murder one Albert Votrie, quartermaster-sergeant, Company K, 39th Infantry, U. S. Volunteers, by stabbing him, the said Votrie, with said bolos held in the hands of members of said band, and by striking him, the said Votrie, on the head with a blunt instrument held in the hands of members of said band, inflicting various mortal wounds upon the head and body of said Votrie, whereof he, the said Votrie, then and there died: he, the said Nicacio Leonor, being then and there present aiding and cooperating with said band. This at the time and place above specified.”

CHARGE II.—“Assault with intent to murder in violation of the laws of war.”

Specification.—“In that Nicacio Leonor, native, on the 2d day of February, 1900, and on each succeeding day to include the 7th day of February, 1900, then as now a time of insurrection, at or near the Barrio of Bagbag, Pueblo of Tanauan, Island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did make a violent assault upon one Isaac Evans, corporal, Company K, 39th Infantry, U. S. Volunteers, by shooting him, the said Evans, with rifles held in the hands of members of said band, inflicting therewith a wound upon the said Evans, with intent then and there feloniously, wilfully and with malice aforethought, to kill and murder the said Evans, the said Nicacio Leonor being then and there present participating in said said assault. This at the time and place above specified.”

CHARGE III.—“Assault with intent to kill.”

Specification.—In that he, Nicacio Leonor, native, on or about the 2d day of February, 1900, then as now a time of insurrection, at or near the Barrio of Bagbag, Pueblo of Tanauan, Island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did make a violent assault upon one Edward Behring, private, Company K, 39th Infantry, U. S. Volunteers, by shooting at him, the said Behring, with said rifles held in the hands of members of said band, with the intent then and there, feloniously, wilfully and with malice aforethought, to kill and murder the said Behring; the said Nicacio Leonor being then and there present and participating in said assault. “This at the time and place above specified.”

PLEAS.—To the charges and specifications the accused pleaded, “Not guilty.”

FINDINGS.—Of the charges and specifications, “Guilty.”

SENTENCE.—And the commission does sentence the accused, Nicacio Leonor, native, “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct; two-thirds of the members concurring therein.”

In the foregoing case of Nicacio Leonor, native, the offenses alleged and the evidence adduced are substantially the same as in the case of Raimondo Hernandez, and the remarks of the reviewing authority in the latter case are applicable in this.

The sentence is confirmed, but is commuted to imprisonment at hard labor for twenty years at the Presidio de Manila, to which point the prisoner will be sent under proper guard.

III. Juan Tuson, a native.

CHARGE I.—“Murder in violation of the laws of war.”

Specification.—“In that he, Juan Tuson, native, on or about February 2, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas, armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did make an assault upon and did, willfully, feloniously and with malice aforethought, kill and murder one Albert Votrie, quartermaster sergeant, Company K, 39th Infantry, U. S. Volunteers, by stabbing him, the said Votrie, with said bolos held in the hands of members of said band, and by striking him, the said Votrie, on the head with a blunt instrument held in the hands of members of said band, inflicting various mortal wounds upon the head and body of said Votrie, whereof he, the said Votrie, then and there died; he, the said Juan Tuson, being then and there present aiding and abetting and cooperating with said band. This at the time and place above specified.”

CHARGE II.—“Assault with intent to murder in violation of the laws of war.”

Specification.—“In that Juan Tuson, native, on the 2d day of February, 1900, and on each succeeding day to include the 7th day of February, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did make a violent assault upon one Isaac Evans, corporal, Company K, 39th Infantry, U. S. Volunteers, by shooting him, the said Evans, with rifles held in the hands of members of said band, inflicting therewith a wound upon the said Evans, with intent then and there feloniously, willfully, and with malice aforethought, to kill and murder the said Evans; the said Juan Tuson being then and there present participating in said assault. This at the time and place above specified.”

CHARGE III.—“Assault with intent to kill.”

Specification.—“In that he, Juan Tuson, native, on or about the 2d day of February, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas, armed with deadly weapons, to wit: Mauser and Remington rifles and bolos, did make a violent assault upon one Edward Behring, private, Company K, 39th Infantry, U. S. Volunteers, by shooting at him, the said Behring, with said rifles held in the hands of members of said band, with the intent then and there, feloniously, willfully, and with malice aforethought, to kill and murder the said Behring; the said Juan Tuson being then and there present and participating in said assault. This at the time and place above specified.”

PLEAS.—To the charges and specifications the accused pleaded “not guilty.”

FINDINGS.—Of the charges and specifications, “guilty.”

SENTENCE.—And the commission does sentence the accused, Juan Tuson, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Juan Tuson, native, the offenses and the evidence adduced are substantially the same as in the case of Raimondo Hernandez, and the remarks of the reviewing authority in the latter case are applicable in this.

The sentence is confirmed, but is commuted to imprisonment at hard labor for twenty years at the Presidio de Manila, to which point the prisoner will be sent under proper guard.

IV. The clemency herein exercised will not be considered as a precedent to guide or influence the future action of the reviewing authority upon proceedings of military commissions in cases of such gravity as the present one, and the occasion is taken to announce that in the judicial determination of questions of guilt which involve responsibility for the unlawful taking of human life the full rigor of the law will be inflicted when rightfully invoked by legally constituted courts.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC AND EIGHTH ARMY CORPS,
Manila, P. I., April 5, 1900.

General Orders, No. 24.

I. Before a military commission which convened at Manila, P. I., January 24, 1900, pursuant to paragraph 7, Special Orders No. 11, c. s., these headquarters, and of which Colonel Aaron S. Daggett, 14th U. S. Infantry, is president, was arraigned and tried Rosario Espiritu, Filipino.

CHARGE.—“Murder.”

Specification.—“In that he, Rosario Espiritu, a Filipino and resident of Bacoor, Island of Luzon, P. I., did, on or about the 15th day of November, 1899, then, as now, a time of insurrection, at Bacoor, Island of Luzon, P. I., then, as now, a place under the United States military occupation and Government, feloniously, willfully, and with malice aforethought kill and murder one Private George A. Wagner, Company F, 14th U. S. Infantry, then and there present and in the discharge of his duty, by shooting him, the said Wagner, in the abdomen with a revolver, and by stabbing him, the said Wagner, with a sharp instrument commonly called a bolo, thereby inflicting certain wounds, by reason of which wounds the said Wagner died on the 15th day of November, 1899. This at the times and place above specified.”

To which charge and specification the accused, Rosario Espiritu, pleaded as follows, to the specification, “not guilty;” to the charge, “not guilty.”

FINDINGS.—The commission, having maturely considered the evidence adduced, finds the accused, Rosario Espiritu, of the specification, “not guilty;” of the charge, “not guilty.”

And the commission does therefore acquit him, Rosario Espiritu.

II. The proceedings in the foregoing case, exclusive of exhibits, make up a record of 277 pages, and the sessions of the commission were extended over a period of about two months. Much of the matter included in the record is immaterial to the issues before the commission, and the time of the latter was largely consumed in listening to discussions and testimony of a wholly irrelevant character.

The attention of the members of this commission and of officers serving in this department is invited to the fact that while military commissions are expected to accord a fair and impartial trial to accused parties, they are war tribunals and their procedure is essentially summary; and their failure to observe details of practice commonly observed before civil courts, and even before courts-martial, will not ordinarily be fatal to the validity of their proceedings.

The admission of counsel before such tribunals is a privilege which should be accorded an accused when practicable, but when counsel utilizes his position as such to interpose technical objections and obstruct and delay procedure, he may, and should, be debarred from the privilege of further representing his client before the commission.

In this case the evidence was abundantly sufficient to sustain a conviction, and the failure of the commission to so find is attributed to complications arising during the trial resulting from wholly immaterial and irrelevant objections by counsel. The acquittal is disapproved. The accused will be released from further custody.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 18, 1900.

General Orders, No. 98.

Before a military commission which convened at San Isidro, Province of Nueva Ecija, Luzon, P. I., pursuant to paragraph 7, Special Orders, No. 43, Headquarters Department of Northern Luzon, June 4, 1900, and of which Major Joseph W. Wheeler, jr., 34th Infantry, U. S. Volunteers, was president, and 1st Lieutenant Ivers W. Leonard, 22d U. S. Infantry, was judge-advocate, was arraigned and tried Macario Estrella, a native.

CHARGE.—“Assault and battery with intent to commit murder.”

Specification.—“In that one Macario Estrella, a native, on or about March 15, 1900, then as now a time of insurrection, at or near the barrio of San Fernando, Pueblo of Cabiao, Province of Nueva Ecija, P. I., a place then as now in the theatre of active military operations, in company with a band of armed outlaws to the number of nine, more or less, then and there engaged in guerrilla warfare, did willfully, feloniously, and with malice aforethought, and with the intent and presentability then and there to kill and murder one Charles W. Ray, a sergeant of Company I, 22d U. S. Infantry, assault and torture the said Ray by cutting and stabbing him, the said Ray, with

sundry and divers deadly weapons commonly called bolos, then and there held in the hands of members of said band, names unknown, inflicting therewith numerous painful and dangerous wounds upon the head, body, and arms of said Ray and did continue so to cut, stab, wound, and torture said Ray for a long time after he, said Ray, had fallen helpless to the ground, and until they, the said Estrella and other members of said band, names unknown, were frightened away by the approach of American troops. This at the time and place above stated."

PLEAS.—To the specification, "Not guilty;" to the charge, "Not guilty."

FINDINGS.—Of the specification, "guilty;" of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, the said Macario Estrella, a native, "to be confined at hard labor, at such place as the reviewing authority may direct, for the remainder of his natural life."

In the foregoing case of Macario Estrella, native, it appears of record that the accused, in concert with companions, all acting the part of peaceful citizens and watching their opportunity, seized hold of the rifle of Sergeant Ray from behind, while the said Ray was proceeding along the highway, and following up their advantage they succeeded with bolos in inflicting upon the person of said Ray many grievous wounds, resulting in the loss of one of his arms.

The accused was the foremost assailant and only desisted in his murderous assault through fear for his own life.

The sentence which was approved by the department commander on August 28, 1900, is confirmed and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 2, 1900.

General Orders No. 108.

I. Before a military commission which convened at Dagupan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 3, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Captain William L. Buck, 13th U. S. Infantry, was president, and 1st Lieutenant Paul B. Malone, 13th U. S. Infantry, was judge-advocate, were arraigned and tried:

1. Vicente Prado, a native.

CHARGE I.—"Murder."

Specification 1.—"In that he, Vicente Prado, native, on or about April 2, 1900, then, as now, a time of insurrection, at or near his camp in the mountains near Rosario, province de la Union, island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of outlaws to the number of fifty-seven men armed with rifles, and one hundred and fifty men armed with bolos, more or less in both cases, commanded by the said Vicente Prado, did willfully, feloniously, and with malice aforethought, kill and murder two Americans, names unknown (supposed to be Anthony Gurzinsky, Company C, 13th U. S. Infantry, and Samuel Dixon, formerly doing business at Pozorrubio, P. I.), by cutting them with bolos held in the hands of members of said band, names unknown, inflicting wounds therewith whereof the said two Americans, names unknown, then and there died and were buried; the order for the murder of the said Americans having been given by the said Vicente Prado in person, and the murder having been committed in his presence. This at the place and on or about the date specified."

Specification 2.—"In that he, Vicente Prado, native, on or about May 3, 1900, then, as now, a time of insurrection, at or near his camp in the mountains near Rosario, Province de la Union, Island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of and consorting with a band of armed outlaws to the number of fifty-seven men armed with rifles, and one hundred and fifty men armed with bolos, more or less in both cases, commanded by the said Vicente Prado, did willfully, feloniously, and with malice aforethought, kill and murder two Igorrotes, man and wife, names unknown, natives of Benguet, province of Benguet, by cutting them with bolos held in the hands of members of said band, names unknown, inflicting wounds therewith, whereof the said two Igorrotes, names unknown, then and there died and were then and there buried, the order for the murder of the said two Igorrotes having been given in person by the said Vicente Prado. This at the place on or about the date specified."

Specification 3.—"In that he, Vicente Prado, native, on or about May 3, 1900,

then, as now, a time of insurrection, at Rosario, province de la Union, island of Luzon, P. I., a place then, as now, in the theater of active military operations, being in command of a band of armed outlaws to the number of fifty-seven men armed with rifles, and one hundred and fifty men armed with bolos, more or less in both cases, stationed in camp in the mountains near the said Rosario, did permit and order a part of said band commanded by one Inocencio Prado to proceed to the said Rosario and kill one Fruto M. Favia, native, duly elected presidente local of the said Rosario under rules and regulations prescribed by proper military authorities of the United States Government, and, under said order, said armed band did proceed to said Rosario and did willfully, feloniously, and with malice aforethought, kill and murder the said Fruto M. Favia, and his son Francisco, by shooting them, the said Fruto M. Favia and his said son, with guns held in the hands of members of said band, names unknown, inflicting wounds therewith whereof they, the said Fruto M. Favia and his said son Francisco, and each of them, then and there died. This at the places and on or about the time specified."

CHARGE II.—"Guerilla warfare, in violation of the laws of war."

Specification 1.—"In that he, Vicente Prado, native, at various times during the months of March, April, and May, 1900, then, as now, a time of insurrection, at his camp near Rosario, Province de la Union, island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of, and consorting with, and commanding a band of armed outlaws to the number of fifty-seven men armed with rifles, and one hundred and fifty men armed with bolos, more or less in both cases, did send sporadic expeditions of un-uniformed armed outlaws in and about the suburbs and vicinity of San Jacinto, Pangasinan Province, island of Luzon, P. I., whereby one American soldier, Anthony Gurzinsky, Company C, 13th U. S. Infantry, was captured and afterwards put to death, and many natives, including Ciriaco de la Pena, Antonio Menesses, Tomas Estrada, Moresto Mirlang, Tomas Molino, Domingo Salcedo, and several others, all natives of the said San Jacinto, were feloniously, forcibly, and against their wills taken prisoners to said camp and there held as such until they made their escape on May 6, 1900, at which time the said camp was attacked by American soldiers. This at the times and places above specified."

Specification 2.—"In that he, Vicente Prado, native, on or about April 21, 1900, then, as now, a time of insurrection, at his camp near Rosario, Province de la Union, island of Luzon, P. I., a place then, as now, in the theater of active military operations, in company of, and consorting with, and commanding a band of armed outlaws to the number of fifty-seven men armed with rifles, and one hundred and fifty men armed with bolos, more or less in both cases, did order a part of said band to proceed and attack and burn San Jacinto, P. I., and by reason of said order a part of said band did attack and set fire to the said San Jacinto with rifles and fire held in the hands of members of said band, names unknown, thus endangering the lives of peaceful inhabitants and burning one hundred and three of their houses more or less, This at the places on or about the date specified."

PLEAS.—To the first specification, first charge, "not guilty;" to the second specification, first charge, "not guilty;" to the third specification, first charge "not guilty;" to the first charge, "not guilty;" to the first specification, second charge, "not guilty;" to the second specification, second charge, "not guilty;" to the second charge, "not guilty."

FINDINGS.—Of the first specification, first charge, "guilty, except as to the words, 'and Samuel Dixon, formerly doing business at Pozorrubio, P. I.,' substituting therefor the words 'and another white man, name unknown;' and of the excepted words not guilty, and of the substituted words guilty;" of the second specification, first charge, "guilty, except as to the words 'natives of Benguet, Province of Benguet,' and of the excepted words not guilty;" of the third specification, first charge, "guilty;" of the first charge, "guilty;" of the first specification, second charge, "guilty;" of the second specification, second charge, "guilty;" of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Vicente Prado, native, "To be hanged by the neck till dead, at such place and time as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Vicente Prado, native, it is clearly shown by the testimony of many witnesses that the accused established a camp in a strong position, difficult of access, in the mountainous district near Rosario in Union Province: that he intrenched his camp and erected buildings for the band of armed outlaws which he gathered about him; that he was chief in command and had subordinate officers under him; that while in command of said camp two Americans were brought as prisoners before him and for no assigned reason other than that they were "enemies," they were forthwith ordered to instant death; that about a month later two Igorrotes, a man

and a woman, were brought before him charged with being American spies, and, without attempt at proof or form of trial, were also ordered to be forthwith executed. In both instances, the accused, from a short distance and in plain view, witnessed the bloody execution of his orders with bolos held in the hands of members of his outlaw band upon these unfortunate and defenseless people.

It further appears that the accused ordered his subordinates to proceed with armed detachments of his band to attack and burn the pueblo of San Jacinto and to arrest, and, "If he resisted, kill" the presidente of Rosario, and that in pursuance of these orders the presidente of Rosario and his son were killed, and 103 houses in San Jacinto burned.

That the accused ordered and caused to be executed these awful crimes of murder and arson, that in the fancied security of his bandit stronghold he had entered with set purpose upon his self-appointed work of destroying the lives and property of all who offended against his savage conception of what they ought or ought not to do, and that he had pursued this course until he had become a terror to the inhabitants of a large section of country, are proven by all reasonable doubt.

The sentence, which was approved by the department commander on September 4, 1900, is confirmed, and will be duly executed at the pueblo of Dagupan, province of Pangasinan, Luzon, P. I., on the thirtieth (30th) day of November, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

2. Inocencio Prado, a native.

CHARGE I.—"Murder."

Specification 1.—"In that Inocencio Prado, native, in a camp in the mountains near Rosario, province de la Union, P. I., in territory then as now occupied by the United States troops, at a time then as now of insurrection against the lawful authority of the United States, in company of and consorting with a band of armed outlaws to the number of fifty, more or less, under the immediate command of and led by the said Inocencio Prado, did, willfully, feloniously, and with malice aforethought, kill and murder two American prisoners, names unknown, by stabbing them, the said American prisoners, names unknown, with bolos held in the hands of members of said band, names unknown, inflicting wounds therewith whereof they, the said American prisoners, names unknown, then and there died and were then and there buried. This on or about April 2, 1900."

Specification 2.—"In that Inocencio Prado, native, on or about May 3, 1900, then as now a time of insurrection, in a camp in the mountains near Rosario, province de la Union, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws, did, willfully, feloniously, and with malice aforethought, cause to be killed and murdered two Igorrotes, man and wife, names unknown, by having them cut with bolos, held in the hands of members of said band, names unknown, inflicting wounds therewith whereof the said two Igorrotes, names unknown, then and there died and were buried. This at the place on or about the date specified."

Specification 3.—"In that he, Inocencio Prado, a native, on or about May 3, 1900, then as now a time of insurrection at Rosario, province de la Union, P. I., a place then as now in the theater of active military operations, being in command of a band of outlaws to the number of forty, more or less, armed with rifles, did, willfully, feloniously, and with malice aforethought, kill and murder Fruto M. Favia, presidente of the said Rosario, and his son Francisco, by shooting them, the said Fruto M. Favia and his said son with guns, held in the hands of members of said bands, names unknown, inflicting wounds therewith whereof they, the said Fruto M. Favia and his said son Francisco, and each of them, then and there died. This at the place and on or about the time specified."

CHARGE II.—"Guerrilla warfare, in violation of the laws of war."

Specification 1.—"In that Inocencio Prado, native, at a time then, as now, of insurrection against the lawful authority of the United States, in company of and consorting with, a band of ununiformed armed outlaws, commanded and led by the said Inocencio Prado, did attack with rifles and burn with fire, held in the hands of members of said band, names unknown, San Jacinto, P. I., a place then, as now, occupied by U. S. troops, whereby the lives of peaceful inhabitants of the said San Jacinto were endangered, and 103 of their houses, more or less, were burned and destroyed. This on or about April 21, 1900, at the place above specified."

Specification 2.—"In that he, Inocencio Prado, native, at a time then, as now, of insurrection against the lawful authority of the United States, in the barrio of Santa Maria, San Jacinto, P. I., a town then, as now, occupied by the U. S. troops, in company of, and consorting with, a band of ununiformed armed outlaws, commanded by the said Inocencio Prado, did feloniously seize, bind, and carry away, or cause to be seized, bound, and carried away to a camp in the mountains near Rosario, P. I., a

place then, as now, within the sphere of military operations, one Anthony Gurzinski, private, Company C, 13th Infantry, where the said Gurzinski was willfully, feloniously, and with malice aforethought killed and murdered, by stabbing him with bolos, held in the hands of members of said band, names unknown, inflicting wounds therewith whereof he, the said Gurzinski, then and there died on or about April 2, 1900. This on or about March 21, 1900, at the place above specified."

PLEAS.—To the first specification, first charge, "not guilty." To the second specification, first charge, "not guilty." To the third specification, first charge, "not guilty." To the first charge, "not guilty." To the first specification, second charge, "not guilty." To the second specification, second charge, "not guilty." To the second charge, "not guilty."

FINDINGS.—Of the first specification, first charge, "guilty." Of the second specification, first charge, "guilty." Of the third specification, first charge, "guilty." Of the first charge, "guilty." Of the first specification, second charge, "guilty." Of the second specification, second charge, "guilty." Of the second charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Inocencio Prado, native, "To be hanged by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Inocencio Prado, native, the evidence unmistakably shows that the accused was a willing, zealous, as also the most trusted, subordinate of Vicente Prado, and, under the orders of that notorious outlaw chief, commanded detachments of his band upon all the more important enterprises in which said band was engaged; that when the members of said band, assigned to the bloody task of killing two American prisoners, hesitated to do so, the accused struck them with his sword and with commands and blows urged them on until they had hacked said prisoners to death with their bolos; that he led the forces that burned San Jacinto and ruthlessly executed the order to kill the Presidente of Rosario. That the accused is guilty of all these crimes in the manner and form as charged, and of conducting guerrilla warfare in all its wantonly cruel aspects, are not only clearly proven, but practically admitted by the accused in the nature of the defense upon which he most relied, to wit: That he but obeyed the orders of his superior, Vicente Prado.

In admitting that he was a member of Vicente Prado's band of outlaws the accused also admits his criminal responsibility in all the felonious acts of the individual members thereof committed when he was actually present.

Persons who unite with bands of ladrones or guerrillas and accompany them on their armed forays become in law *participes criminis* in all the felonious acts done by the individual members of the band with whom they are associated at the time when such acts are committed; and if in the pursuit of their felonious designs any one of the band takes a human life each member thereof is, in the eye of the law, guilty of murder and subject to the penalty of death.

In this and like cases the fact clearly appears that it is the consciousness of power numbers unlawfully banded together possess which leads to the great majority of cases of robbery and murder occurring in the Philippine Islands. Here, under the prevailing conditions, a numerous class of professional bandits have with more or less immunity from punishment terrorized the peaceful communities by their acts of robbery and wanton destruction of property and life. In the opinion of the reviewing authority no remedy is so well calculated to put an end to these intolerable practices as the rigid execution of the laws, both of war and of peace, which alike demand, in all cases like that of the accused, the infliction of the death penalty.

The sentence, which was approved by the Department Commander on October 24, 1900, is confirmed, and will be duly executed at the Pueblo of Dagupan, Province of Pangasinan, Luzon, P. I., on the thirtieth (30th) day of November, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

II. Before a military commission which convened at Binalonan, Province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Major Joseph W. Duncan, 13th U. S. Infantry, was president, and 1st Lieutenant Harvey W. Miller, 13th U. S. Infantry, was judge-advocate, was arraigned and tried:

I. Benito Amansec, a native.

CHARGE 1.—"Murder."

Specification 1.—"In that he, Benito Amansec, native, at Pozorrubio, Province of Pangasinan, Island of Luzon, P. I., territory then, as now, occupied by United States troops, on or about December 18, 1899, a time then, as now, of insurrection against the lawful authority of the United States, in company of, and consorting with, a band of armed outlaws to the number of fifty, more or less, commanded and led by the

said Benito Amansec, did willfully, feloniously and with malice aforethought kill and murder Doroteo Bautista, Tomas Venezuela, Mariano de Guzman, and Augustine Castillo, natives, by shooting them with rifles held in the hands of members of said band, names unknown, inflicting wounds therewith whereof they, the said Doroteo Bautista, Tomas Venezuela, Mariano de Guzman, and Augustine Castillo, then and there died. This at the place and on or about the time specified."

Specification 2.—"In that he, Benito Amansec, native, at Pozorrubio, Province of Pangasinan, Island of Luzon, P. I., territory then, as now, occupied by United States troops, on or about December 21, 1899, a time then, as now, of insurrection against the lawful authority of the United States, in company of, and consorting with, a band of armed outlaws to the number of fifty, more or less, commanded and led by the said Benito Amansec, did willfully, feloniously and with malice aforethought kill and murder Joaquin Bautista, native, by shooting him with rifles held in the hands of members of said band, names unknown, inflicting wounds therewith whereof the said Joaquin Bautista then and there died. This at the place and on or about the time specified."

Specification 3.—"In that he, Benito Amansec, native, did willfully, feloniously and with malice aforethought kill and murder Tomas Araos, native, by shooting him, inflicting wounds whereof he, the said Tomas Araos, then and there died. This at or near Pozorrubio, Province of Pangasinan, Luzon, P. I., a place then, as now, occupied by United States troops, and on or about December 25, 1899, a time then, as now, of insurrection against the lawful authority of the United States."

Specification 4.—"In that he, Benito Amansec, native, on or about April 10, 1900, a time then, as now, of insurrection against the lawful authority of the United States, at Nantangalan, a barrio of Pozorrubio, P. I., territory then, as now, occupied by United States troops, in company of, and consorting with, a band of armed outlaws to the number of seventeen, more or less, commanded and led by the said Benito Amansec, did willfully, feloniously and with malice aforethought kill and murder Private James Dawson, Company B, 13th United States Infantry, by shooting him with a rifle held in the hands of Alejandro Galang, native (since deceased), inflicting wounds therewith whereof he, the said Private James Dawson, then and there died, the order for the murder of the said Private James Dawson having been given by the said Benito Amansec in person, and the murder having been committed in his presence. This at or about the time and at or near the place specified."

CHARGE II.—"Assault with intent to commit murder."

Specification 1.—"In that he, Benito Amansec, native, at Pozorrubio, province of Pangasinan, island of Luzon, P. I., territory then, as now, occupied by United States troops, on or about December 18, 1899, a time then, as now, of insurrection against the lawful authority of the United States, in company of, and consorting with, a band of armed outlaws to the number of fifty, more or less, commanded and led by the said Benito Amansec, did willfully, feloniously, and with malice aforethought assault with intent to kill and murder Balerio Arcangel, native of Pozorrubio, P. I., by shooting at him with rifles and by stabbing him near the heart with a poniard or other deadly weapon held in the hands of members of said band, names unknown, thereby inflicting an apparently mortal wound, whereby the life of the said Balerio Arcangel was seriously and dangerously jeopardized. This at the place and on or about the time specified."

CHARGE III.—"Resisting arrest and assaulting his captors with intent to kill or to do great bodily harm."

Specification 1.—"In that he, Benito Amansec, native, and fugitive from justice, having been seized by Andres Paragus, Teodorico de la Peña, Lorenzo de Guzman, Martin Sisson, Marcelo de la Peña, Inocencio Mejia, and Francisco Castillo, native volunteer soldiers of San Jacinto, P. I., who were duly authorized by the commanding officer of the United States forces at San Jacinto, P. I., to arrest ladrones and other like offenders against the law, did draw a revolver and did fire it four times, more or less, at the said native volunteer soldiers, with intent to kill or to do great bodily harm to them, and thereby effected his escape. This at San Jacinto, province of Pangasinan, P. I., a place then, as now, occupied by United States troops, on or about June 15, 1900, a time then, as now, of insurrection against the lawful authority of the United States."

Specification 2.—"In that he, Benito Amansec, native, and fugitive from justice, when arrested by Matias Lechica, Juan Cera, Policarpio de Aquino, Benigno Sinin, and Silverio Andana, native policemen and headman of Mangaldan, P. I., duly authorized to arrest natives accused of crime, did draw a revolver and attempt to kill or to do great bodily harm to the said policemen and headman. This at Mangaldan, province of Pangasinan, island of Luzon, P. I., a place then, as now, occupied by the United States troops, on or about July 7, 1900, a time then, as now, of insurrection against the lawful authority of the United States."

CHARGE IV.—“Robbery.”

Specification.—“In that he, Benito Amansec, native, at Pozorrubio, province of Pangasinan, island of Luzon, P. I., a place then, as now, occupied by United States troops, on or about December 18, 1899, a time then, as now, of insurrection against the lawful authority of the United States, did feloniously and forcibly take from the presence of Señora Philomena Venezuela, native, about fifty pesos (Mexican coin) and a watch, value unknown, the property of the said Philomena Venezuela. This at the place and on or about the time specified.”

PLEAS.—To the first specification, first charge, “not guilty;” to the second specification, first charge, “not guilty;” to the third specification, first charge, “not guilty;” to the fourth specification, first charge, “not guilty;” to the first charge, “not guilty;” to the specification, second charge, “not guilty;” to the second charge, “not guilty;” to the first specification, third charge, “not guilty;” to the second specification, third charge, “not guilty;” to the third charge, “not guilty;” to the specification, fourth charge, “not guilty;” to the fourth charge, “not guilty.”

FINDINGS.—Of the first specification, first charge, “guilty;” of the second specification, first charge, “not guilty;” of the third specification, first charge, “not guilty;” of the fourth specification, first charge, “not guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty;” of the first specification, third charge, “guilty;” of the second specification, third charge, “guilty;” of the third charge, “guilty;” of the specification, fourth charge, “not guilty;” of the fourth charge, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Benito Amansec, native, “To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

2. Severo Parsan, a native.

CHARGE I.—“Forcible abduction.”

Specification.—“In that he, Severo Parsan, a native, at Pozorrubio, province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States, on or about December 18, 1899, a time then, as now, of insurrection against the authority of the United States, in company of, and consorting with, a notorious outlaw named Benito Amansec, and others, number and names unknown, armed with rifles and bolos, did unlawfully and forcibly seize, bind, and carry away from their places of residence the following persons, to wit, Tomas Venezuela, Doroteo Bautista, Joaquin Bautista, Augustine Castillo, and Balerio Arcangel, natives and residents of Pozorrubio, P. I. This at the time and place above specified.”

CHARGE II.—“Assault with intent to kill.”

Specification.—“In that he, Severo Parsan, a native, at Pozorrubio, province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States, on or about December 18, 1899, a time then, as now, of insurrection against the authority of the United States, in company of, and consorting with, a notorious outlaw named Benito Amansec, and others, number and names unknown, armed with rifles and bolos, did feloniously and with malice aforethought assault Balerio Arcangel, a native, resident of Pozorrubio, P. I., by shooting at him, the said Balerio Arcangel, with rifles held in the hands of the said Severo Parsan and others, number and names unknown, and stabbing and cutting him, the said Balerio Arcangel, with knives and bolos held in the hands of the said Severo Parsan and others, number and names unknown, thereby inflicting wounds upon the person of the said Balerio Arcangel with intent to kill the said Balerio Arcangel. This at the time and place above specified.”

CHARGE III.—“Murder.”

Specification.—“In that he, Severo Parsan, a native, at Pozorrubio, province of Pangasinan, Luzon, P. I., a place then, as now, under the military authority of the United States, on or about December 18, 1899, a time then, as now, of insurrection against the authority of the United States, in company of, and consorting with, a notorious outlaw named Benito Amansec, and others, number and names unknown, armed with rifles and bolos, did willfully, feloniously, and with malice aforethought murder and kill Tomas Venezuela, Doroteo Bautista, Augustine Castillo, and Mariano de Guzman, natives and residents of Pozorrubio, P. I., by shooting them, the said Tomas Venezuela, Doroteo Bautista, Augustine Castillo, and Mariano de Guzman, with rifles held in the hands of the said Severo Parsan and others, number and names unknown, and stabbing and cutting them, the said Tomas Venezuela, Doroteo Bautista, Augustine Castillo, and Mariano de Guzman, with knives or bolos held in the hands of the said Severo Parsan and others, number and names unknown, inflicting wounds thereby whereof the said Tomas Venezuela, Doroteo Bautista, Augustine Castillo, and Mariano de Guzman then and there, or shortly afterwards, died. This at the time and place above specified.”

PLEAS.—To the specification, first charge, “not guilty.” To the first charge, “not guilty.” To the specification, second charge, “not guilty.” To the second charge, “not guilty.” To the specification, third charge, “not guilty.” To the third charge, “not guilty.”

FINDINGS.—Of the specification, first charge, “guilty, except the words ‘Augustine Castillo,’ and of the excepted words not guilty.” Of the first charge, “guilty.” Of the specification, second charge, “guilty.” Of the second charge, “guilty.” Of the specification, third charge, “guilty.” Of the third charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Severo Parsan, native, “To be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing cases of Benito Amansec and Severo Parsan, natives, several eye-witnesses testified that these accused were in command of an armed party of outlaws which at night time entered Pozorrubio and taking from their homes four unoffending men, proceeded at once to kill them by shooting them with rifles until they were dead.

That these accused were present and took an active part in this causeless and inhuman butchery of peaceful men is proven beyond all reasonable doubt. It also appears that they were members of a band of outlaws commanded by Vicente Prado, and that they were zealous in obeying the orders of that notorious outlaw chief.

In the case of Benito Amansec, this accused admitted before the commission that he was a member of an armed band of men commanded by one Vicente Prado, and that the murdered men had been put to death “upon the order of said Prado because they had denounced to the (American) garrison at Pozorrubio that he was in the mountains at Lapit.”

In the case of Severo Parsan, so much of the proceedings as finds the accused guilty of “forcible abduction,” a crime which, when made applicable to men, is unknown to either Spanish or American law, is disapproved.

The sentences which were approved by the department commander in the case of Benito Amansec, on September 18, 1900, and in the case of Severo Parsan, on October 6, 1900, are confirmed and will be duly executed at the pueblo of Pozorrubio, province of Pangasinan, Luzon, P. I., on the fourteenth (14th) day of December, A. D. 1900, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General MacArthur:

S. D. STURGIS,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 26, 1900.

General Orders, No. 150.

Before a military commission which convened at Baler, province of Principe, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 123, Headquarters Department of Northern Luzon, August 29, 1900, and of which Lieutenant-Colonel John H. Beacom, 42d Infantry, U. S. Volunteers, was president, and Captain Frank D. Webster, 20th U. S. Infantry, was judge-advocate, was arraigned and tried: Capt. Teodorico Novicio.

CHARGE.—“Murder, in violation of laws and customs of war.”

Specification I.—“In that Teodorico Novicio, of the insurgent army of the so-called Filipino government, did willfully, feloniously, and with malice aforethought kill and murder a wounded American sailor, one McDonald, ordinary seaman, by burying or in person causing the said McDonald to be buried alive, whereof the said McDonald then and there died. This at or near Baler, Luzon, on or about April 12, 1899, in time of insurrection.”

Specification II.—“In that Captain Teodorico Novicio, of the insurgent army of the so-called Filipino government, did willfully and feloniously and with malice aforethought, by the use of his military authority, kill and murder a Spanish prisoner, one Manuel Rodriguez, by causing and compelling men under his command to shoot the said Rodriguez, inflicting wounds whereof the said Rodriguez then and there died. This at or near Baler, Luzon, P. I., on or about March 1, 1900, in time of insurrection.”

PLEAS.—To the first specification, “not guilty.” To the second specification, “not guilty.” To the charge, “not guilty.”

FINDINGS.—Of the first specification, “guilty, excepting the words ‘one McDonald, ordinary seaman,’ substituting therefor the words ‘name unknown,’ and except-

ing the word 'McDonald' wherever else it occurs in the specification, substituting therefor the word 'sailor,' of the excepted words not guilty, and of the substituted word guilty." Of the second specification, "guilty, excepting the word 'men,' substituting therefor the words 'one Tomas Canillo,' and excepting the word 'shoot,' substituting therefor the word 'kill,' of the excepted words not guilty and of the substituted word guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, Captain Teodorico Novicio, "To be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case of Teodorico Novicio, a captain in the insurgent forces, a single witness relates how, in obedience to the orders of the accused, he enticed Rodriguez from his home and beat him to death with a club, and he produced what purports to be a written order of the accused to do this murder.

A comparison of the writing and the signature of the accused as they appear in his alleged written order to the witness with his letters and signatures known to be genuine, reveals an unlikeness between them which, while not precluding the possibility that the accused wrote the order to kill Rodriguez, yet leaves a strong impression that he did not in fact write or sign it.

The disappearance of the deceased and the unsupported word of his confessed murderer is all there is to show that the deceased may not yet be living, no effort having been made to verify the presence of the body at the place where the witness says he buried it.

In view of the serious doubts here pointed out, the finding upon the 2d specification is disapproved.

With respect to the first specification, it is made plain by the testimony that, after the fight had by Lieutenant Gilmore, of the Navy, near Baler, four American sailors lay on the bank of the Sabali River, and that the accused and a detachment of insurgent soldiers were detailed as a burial party. This party, accompanied by one Quicoy, a staff officer of the insurgent chief who commanded the district wherein Baler is situated and the forces serving therein, proceeded to where the Americans lay and found two dead and two wounded. Four unarmed natives had been compelled to go along to act as grave-diggers, and these were put to work preparing a grave sufficiently large to hold four bodies. The grave being completed, the two dead sailors were placed in it, and the party then waited for the wounded to die. One of the latter was shot through the thigh; the other was shot in the chest as well as in the leg and was near the point of death. The wounded men asked for water and it was given them from the river; but beyond this no relief or assistance appears to have been given. When the third man died he was placed beside the other two in the grave and the party again waited for the fourth man to die. His wound, however, was of a kind not necessarily fatal and death was slow in coming, so that the party became impatient. The grave-diggers had begun about 9 a. m. and it was now past noon. The dying man asked for water, and was able to drink when it was given to him. Shortly afterwards he was placed in the grave beside his three comrades, and the native who was standing in the hole began covering him slowly from the feet, so as to give him time to die. In this way the body was covered to the neck and then the grave-digger called out "What about this man; he is alive yet?" to which the accused replied "Go on burying him," and it was done.

That dissolution was close at hand and the victim nearly, if not quite, unconscious is probably true; that he was still alive when the earth was finally heaped above his head can not be doubted. Some of the party may have thought the sailor was dead, but the accused had notice to the contrary, and there is no evidence that he made in person, or caused to be made, any examination to ascertain whether the fourth man was actually dead when under his orders the burial was completed.

Although the accused is thus shown to have given commands for the burial of one of these sailors while yet alive, it is also shown that the said Quicoy was present as the representative of his chief—an officer superior to the accused—and that the latter was executing such commands as were given by Quicoy.

It is recognized that this fact does not operate as a legal defense to relieve the accused from responsibility of his acts. An order so inhuman could operate to the protection of no one executing it; it can only be considered as affecting in some degree the turpitude of the acts of the accused and as indicating that the initiative in this crime was not taken by him.

Under the evidence, there is no reasonable doubt that the last of the four sailors placed in the grave was buried alive, and that the accused at least transmitted and saw carried out orders to accomplish this result. But for the reasons stated above, indicating with reasonable certainty the presence and participation in the crime committed of a more active and powerful principal than the accused, the reviewing

authority, while confirming the sentence adjudged, is constrained to mitigate the extreme penalty imposed to imprisonment at hard labor for life.

The sentence, as thus mitigated, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General McArthur:

THOMAS H. BARRY,
Brigadier General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., January 24, 1901.

General Orders, No. 15.

Before a military commission which convened at Binalonan, province of Pangasinan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 63, Headquarters Department of Northern Luzon, June 25, 1900, and of which Major Joseph W. Duncan, 13th U. S. Infantry was president, and 1st Lieutenant Harvy W. Miller, 13th U. S. Infantry, was judge-advocate, was arraigned and tried Leon Carig, a native.

CHARGE.—“Murder.”

Specification.—“In that Leon Carig, a native, did willfully, feloniously, and with malice aforethought kill and murder John G. Stanford, private, Company K, 24th Infantry, by cutting him, the said John G. Stanford, with a talibone or (bolo) held in the hands of said Leon Carig, inflicting wounds therewith whereof the said John G. Stanford, private, Company K, 24th Infantry, then and there died. This at or near San Vicente, a barrio of Tayug, province of Pangasinan, on or about the 10th day of February, 1900, in time of insurrection, and in territory under military government.

PLEA.—“Not guilty.”

FINDING. “Guilty.”

SENTENCE.—And the commission does therefore sentence him, Leon Carig, a native, “to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Leon Carig, native, no incriminating circumstances appear to have fixed suspicion upon the accused; his conviction rests solely upon the testimony of one native witness, who, after carrying the secret of the murder for two weeks, reported it to the American authorities. According to his testimony he was working about two and one-half miles from Santa Maria near a highway when he observed four soldiers passing; one of the party being very drunk his comrades left him behind, when the accused, seeing his opportunity, killed the drunken soldier with a bolo and cast his body into the river. The witness was 200 yards from the scene of the murder, screened from view by rice straw, and could clearly distinguish the accused, but he also described the wounds inflicted by the accused with a minuteness which, his distance from the scene considered, passes, it is believed, ordinary human perception.

The witness fixes the date positively as “four days before the end of February” or sixteen days after the officially reported absence of the missing soldier. None of the soldiers who left their drunken comrade behind in the road were called to testify and the failure to produce them is not explained of record, nor does the testimony of the witness receive the slightest corroboration from any source; on the contrary it is in conflict with facts, more or less material, appearing of record.

In view of the foregoing, the findings and sentence are disapproved. The accused will be set at liberty.

By command of Major-General MacArthur:

Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 7, 1901.

General Orders, No. 42.

Before a military commission which convened at Manila, Province of Manila, Luzon, P. I., pursuant to paragraph 1, Special Orders, No. 197, Headquarters Department of Northern Luzon, November 14, 1900, and of which Lieutenant-Colonel

George L. Byram, 27th Infantry, U. S. Volunteers, was president, and Captain Charles R. Howland, 28th Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

Arcadio de los Santos, Atanacio San Pablo, Dimas de los Santos, Alfonso Reyes, Ciriaco Sandi de los Santos, and José Monsod, natives.

CHARGE I.—“Murder.”

Specification.—“In that Arcadio de los Santos, Atanacio San Pablo, Dimas de los Santos, Alfonso Reyes, Ciriaco Sandi de los Santos, and José Monsod, natives, with twelve others, more or less, natives, whose names are unknown, on or about November 3, 1900, then, as now, a time of insurrection against the authority of the United States, on the public highway known as the San Juan del Monte road, at a point between the pumping station and El Deposito, in Manila Province, Luzon, P. I., a place then, as now, under the military government of the United States and within the theater of military operations, did wilfully, feloniously, premeditatedly and by lying in wait, with malice aforethought, kill and murder one Archibald B. Wilson, an Englishman, by shooting him, the said Wilson, with rifles and revolvers, in the hands of the said Arcadio de los Santos, Atanacio San Pablo, Dimas de los Santos, Alfonso Reyes, Ciriaco Sandi de los Santos, and José Monsod, and the said twelve other natives, more or less, whose names are unknown, then and there had and held, inflicting thereby wounds, whereof he, the said Wilson, then and there died.”

CHARGE II.—“Robbery.”

Specification.—“In that Arcadio de los Santos, Atanacio San Pablo, Dimas de los Santos, Alfonso Reyes, Ciriaco Sandi de los Santos, and José Monsod, natives, and twelve others, more or less, natives, whose names are unknown, on or about November 3, 1900, then, as now, a time of insurrection against the authority of the United States, on the public highway known as San Juan del Monte road, at a point between the pumping station and El Deposito, in Manila Province, Luzon, P. I., a place then, as now, under the military government of the United States and within the theater of military operations, did wilfully, maliciously, and feloniously assault one Archibald B. Wilson, an Englishman, and did, then and there, with force and violence, unlawfully, maliciously, and feloniously steal, take and carry away from the person of the said Wilson a large sum of money, the property of the United States, of the value to wit, two thousand dollars (\$2,000), Mexican currency, more or less.”

PLEAS.—“Not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Arcadio de los Santos, Atanacio San Pablo, Dimas de los Santos, Alfonso Reyes, Ciriaco Sandi de los Santos, and José Monsod, natives, and each of them, “To be hanged by the neck, until dead, at such time and place as the reviewing authority may designate, two-thirds of the members concurring therein.”

In the foregoing case it appears that these accused, Arcadio de los Santos, Atanacio San Pablo, Dimas de los Santos, Alfonso Reyes, Ciriaco Sandi de los Santos, and José Monsod, residing within the lines of the United States forces and one of them being employed in the engineer's department, where he acquired information of the date and method of paying the employees therein, conspired together to waylay, murder, and rob Archibald B. Wilson, a clerk in the department detailed to pay said employees.

In pursuance of this plot these accused, on November 3, 1900, concealed themselves at a point between the pumping station and El Deposito in Manila Province, within the lines of the United States forces, and on the arrival there of Archibald B. Wilson en route to the pumping station with some two thousand pesos in his possession, the property of the United States Government, they sprang out, shot him to death, and robbed him of this money. Part of this money was divided among the accused, each receiving a portion, but it is alleged that the greater part was handed over to one “Captain Guiterras,” an alleged chief of a guerrilla band, and the latter fact is urged as a mitigation of their crimes. Whether they acted individually or as members of this band, the crime is one calling for the death penalty under the laws of war. The excessive barbarity of the details of the crime is so revolting as to remove these accused from the pale of clemency and sympathy alike, with the single exception of the accused José Monsod, who appears to have taken a less active part in the murder than the others and whose youth raises the question whether, as suggested by the Department Commander in his recommendation for the mitigation of his sentence, he was not influenced by his older companions.

The sentence, as approved by the Department Commander, is confirmed, and in the cases of Arcadio de los Santos, Atanacio San Pablo, Dimas de los Santos, Alfonso Reyes, and Ciriaco Sandi de los Santos, will be executed at the city of Manila, Province of Manila, Luzon, P. I., on the twenty-ninth (29) day of March, A. D. 1901, under the direction of the Provost Marshall General.

In the case of José Monsod the sentence is commuted to imprisonment at hard labor for the term of twenty (20) years in the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 11, 1901.

General Orders, No. 94.

Before a military commission which convened at Iloilo, island of Panay, P. I., pursuant to paragraph 2, Special Orders, No. 2, Headquarters Department of the Visayas, January 3, 1901, and of which Lieut. Col. Charles J. Crane, 38th Infantry, U. S. Volunteers, was president, and Capt. Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Pablo Tabares, a native.

CHARGE I.—“Murder.”

Specification 1.—“In that on or about the 18th day of July, 1900, then as now a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Pablo Tabares, a native, being then and there occupying and filling the office of sergeant of police of the said pueblo of Cabatuan, did willfully, feloniously, and with malice aforethought, incite, move, procure, aid and abet, order and command one Eladio Jilarios and one Placido Hebia, natives, and policemen of the said pueblo of Cabatuan, to murder and kill one George O. Hill, private, Company H, 18th U. S. Infantry.”

Specification 2.—“In that on or about the 18th day of July, 1900, then as now a time of insurrection, at or near the pueblo of Cabatuan, Island of Panay, P. I., a place then as now a part of the territory and under the military government of the United States, one Pablo Tabares, being then and there occupying and filling the position of sergeant of police of the said pueblo of Cabatuan, it having been reported to him that one Eladio Jilarios and Placido Hebia, natives, and policemen of the said pueblo of Cabatuan, had willfully, feloniously, and with malice aforethought, killed and murdered one George O. Hill, private, Company H, 18th U. S. Infantry, by the aforesaid policemen, Eladio Jilarios and Placido Hebia, did receive, harbor, maintain and assist the aforesaid policemen, and did order, command, and direct that all knowledge of the aforesaid murder should be suppressed.”

CHARGE II.—“Arson.”

Specification.—“In that on or about the 14th day of December, 1900, then as now a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then as now a part of the territory and under the military government of the United States, one Pablo Tabares, native, being then and there filling and occupying the position of sergeant of police of the said pueblo of Cabatuan, did willfully, feloniously, and maliciously burn and cause to be burned, one hundred (100) dwelling houses, more or less, in the said pueblo of Cabatuan, Island of Panay, P. I.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Pablo Tabares, native, “to be hung by the neck until dead, at such time and place as the proper authority may designate, two-thirds of the commission concurring in the sentence of death.”

In the foregoing case of Pablo Tabares, native, the following are the remarks of the department commander:

“It appears that the accused in this case caused two of the policemen of the pueblo of Cabatuan to bring to his house an American soldier who, unfortunately, was one of weak intellect and strong passions; that, taking advantage of the latter fact he caused him to be delayed in his own house for an hour or more, during which time he plied him with native drink, in the shape of vino, until he was sufficiently intoxicated for his nefarious designs; that he then gave positive orders to these men to take this unfortunate American soldier outside of the pueblo and kill him; that when these policemen returned and reported their action, it was not only approved, but that he took steps to protect these men from the hands of the law, by sending them out to join the insurgents, thereby placing them practically without the jurisdiction of the American government established in these islands; that he took advantage of the situation to the extent that he caused to be placed in the hands of

those in open insurrection against the American Government, of which he was at the time an officer, the gun, belt, and ammunition of which they had stripped the deceased. At no time during the intervening months, while he was still holding office as sergeant of police under the American Government, did he make known or attempt to make known his knowledge of the crime that had been committed. The proceedings, findings, and sentence are therefore approved.

The sentence is confirmed, and will be duly executed at the pueblo of Cabatuan, Island of Panay, P. I., on the 14th day of June, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., May 24, 1901.

General Orders, No. 106.

Before a military commission which convened at Iloilo, island of Panay, P. I., pursuant to paragraph 2, Special Orders, No. 2, Headquarters Department of the Visayas, January 3, 1901, and of which Lieutenant-Colonel Charles J. Crane, 38th Infantry, U. S. Volunteers, was president, and Captain Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Eladio Jilarios, native.

CHARGE.—“Murder.”

Specification.—“In that on or about the 18th day of July, 1900, then, as now, a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory of the United States and under the military government thereof, one Eladio Jilarios, a native, in company of one Placido Hebia, a native, did willfully, feloniously, and with malice aforethought, kill and murder one George O. Hill, private, Company H, 18th U. S. Infantry, by then and there cutting and stabbing the said George O. Hill with bolos held in the hands of the said Eladio Jilarios and Placido Hebia, natives, and in the hands of each of them, then and there inflicting mortal wounds on the body of said George O. Hill, private, Company H, 18th U. S. Infantry, to wit, in the neck, stomach, and leg of said George O. Hill, from which wounds so inflicted as aforesaid the said George O. Hill then and there died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Eladio Jilarios, native, “to be hanged by the neck till dead, at such time and place as may be directed by the reviewing authority, two-thirds of the military commission concurring in the death sentence imposed.”

In the foregoing case of Eladio Jilarios, native, it appears from the record that the accused was a policeman of the pueblo of Cabatuan, which was under the government of the United States and the protection of a garrison of its troops; that, making use of his friendly relations with the soldiers of said garrison, he, with other members of the police force, treacherously connived at taking advantage of the known weaknesses and habits of one of the soldiers to get him drunk and to entice him at night into the country to see a woman, with whom he had friendly relations. The accused and one companion accompanied the soldier, and, taking a bottle of vino with them, succeeded, at a convenient time and place, in getting him helplessly drunk, when they tied his hands, took away his rifle, hacked him to death with bolos, robbed his pockets of a few pesos, and, leaving his lifeless body lying on the ground, they returned to Cabatuan and reported to the sergeant of police—with whom they had conspired—the accomplishment of their crime. Opposed to these facts, clearly sustained by the evidence, the accused set up as his sole defense the fact that he had acted in obedience to the orders of the presidente. But the evidence reveals conditions making it unmistakably plain that the accused was under no compulsion, and that by refusal his own life would not have been in danger.

Conceived in treachery and executed in betrayal of official trust, this crime was also carried out with such alacrity by the accused that there is left no ground for the exercise of clemency.

The sentence, approved by the department commander, is confirmed and will be duly executed at the pueblo of Cabatuan, island of Panay, Philippine Islands, on the fourteenth (14th) day of June, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

By command of Major-General MacArthur:

THOMAS H. BARRY,
Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., June 5, 1901.

General Orders, No. 112.

Before a military commission which convened at Iloilo, island of Panay, P. I., pursuant to paragraph 2, Special Orders, No. 2, Headquarters Department of the Visayas, January 3, 1901, and of which Lient. Col. Charles J. Crane, 38th Infantry, U. S. Volunteers, was president, and Capt. Edwin F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Julian Confesor, a native.

CHARGE I.—“Murder.”

Specification 1.—“In that, on or about the 18th day of July, A. D. 1900, then, as now, a time of insurrection, at, or near, the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Julian Confesor, being then and there occupying and filling the position of presidente of the said pueblo of Cabatuan, did, willfully, feloniously, and with malice aforethought, incite, move, procure, aid and abet, order and command, one Eladio Jilarios, and one Placido Hebia, natives and policemen of the said pueblo of Cabatuan, to murder and kill one George O. Hill, private, Company H, 18th U. S. Infantry.”

Specification 2.—“In that, on or about the 18th day of July, A. D. 1900, then, as now, a time of insurrection, at, or near, the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Julian Confesor, being then and there occupying and filling the position of presidente of the said pueblo of Cabatuan, it having been reported to him that Eladio Jilarios and Placido Hebia, natives and policemen of the said pueblo of Cabatuan, had willfully, feloniously, and with malice aforethought, killed and murdered one George O. Hill, private, Company H, 18th U. S. Infantry, by the aforesaid policemen, Eladio Jilarios and Placido Hebia, did receive, harbor, maintain, and assist the aforesaid policemen, and did order, command, and direct that all knowledge of the aforesaid murder should be suppressed.”

CHARGE II.—“Being a war traitor.”

Specification 1.—“In that, on or about the 20th day of July, A. D. 1900, and at divers times and days since that date, then, as now, a time of insurrection, one Julian Confesor, a native, being then and there and on said days and dates, presidente and vice-presidente and resident of the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, did, without the consent of the military government of the United States, or any military commander thereof, hold intercourse with the enemy in this, that he, the said Julian Confesor, did, then and there, receive from and send letters to leaders of the insurgents, to wit, one Martin Delgado and the officers under his command.”

Specification 2.—“In that, on or about the 20th day of July, A. D. 1900, then, as now, a time of insurrection, one Julian Confesor, a native, being then and there and on said date, presidente and resident of the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, did send and cause to be delivered to the forces in insurrection against the United States, one (1) Krag-Jorgensen rifle, one (1) belt and one hundred (100) rounds of ammunition, more or less, for the same.

Specification 3.—“In that, on or about the 6th day of December, A. D. 1900, then, as now, a time of insurrection, one Julian Confesor, a native, being then and there and on said date presidente and resident of the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory of the United States and under the military government of the United States, did then and there send and cause to be delivered to leaders of the insurgents a certain letter, cigars, and cigarettes.”

CHARGE III.—“Aiding and abetting the enemy.”

Specification 1.—“In that, on or about the 20th day of July, A. D. 1900, and at divers times and days since that date, then, as now, a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Julian Confesor, a native and presidente and vice-presidente of the said pueblo of Cabatuan, did, while still holding the aforesaid offices, knowingly and willingly become an active member of an organization known as the ‘Katipunan,’ the object of which said society is, and was, to aid, assist, and support the insurgent forces then and there being in rebellion against the lawfully constituted authority of the United States by then and there contributing and collecting money, food, clothing, and tobacco for the said insurgent forces.”

Specification 2.—“In that, on or about the 20th day of July, A. D. 1900, and at divers times and days since that date, then, as now, a time of insurrection, at or near

the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Julian Confesor, a native and presidente and vice-presidente of the said pueblo of Cabatuan, did, while still holding the aforesaid offices, and in violation of his well-known duties as such, give and render aid and comfort to the enemy in this: That he did then and there solicit and collect money, food, and tobacco from the residents of the aforesaid pueblo of Cabatuan and its adjacent barrios, and did thereafter deliver and cause to be delivered said money, food, and tobacco to the insurgent forces then and there engaged in open rebellion against the lawfully constituted authority of the United States."

CHARGE IV.—"Violation of the laws of war."

Specification 1.—"In that, on or about the 3d day of December, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Julian Confesor, a native and presidente and vice-presidente of the said pueblo of Cabatuan, having freely and voluntarily taken and subscribed to an oath of allegiance to the United States in words and figures substantially as follows, to wit:

"*Juramento de fidelidad.*

"CIUDAD DE CABATUAN, ISLA DE PANAY.

"Yo, Julian Confesor, por la presente renuncio á toda sumisión á cualquiera de y á todos los titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacífico de dichas islas y no mantendré relaciones directa ni indirectamente con, ni facilitaré noticias á, ningún enemigo de los Estados Unidos, ni prestaré apoyo, ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales de ningún género ni propósito de evadirla y así Dios me ayude.

"JULIAN CONFESOR.

"Firmado y jurado ante mí, hoy día 3 de Diciembre, 1900.

"HOMER B. GRANT,

"Second Lieutenant, 26th Infantry, U. S. Volunteers.

"Testigo."

"did thereafter, to wit, on or about the 6th day of December, A. D. 1900, and at divers other times and days since said date, violate said oath of allegiance by holding intercourse with the enemy and holding secret conferences with the leaders of the insurgent forces then and there being engaged in open and active rebellion against the lawfully constituted authority of the United States."

Specification 2.—"In that, on or about the 3d day of December, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Julian Confesor, a native and vice-presidente of the said pueblo of Cabatuan, having freely and voluntarily taken and subscribed to an oath of allegiance to the United States, in words and figures substantially as follows, to wit:

"*Juramento de fidelidad.*

"CIUDAD DE CABATUAN, ISLA DE PANAY.

"Yo, Julian Confesor, por la presente renuncio á toda sumisión á cualquiera de y á todos los titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacífico de dichas islas y no mantendré relaciones directa ni indirectamente con, ni facilitaré noticias á, ningún enemigo de los Estados Unidos, ni prestaré apoyo, ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales de ningún género ni propósito de evadirla y así Dios me ayude.

"JULIAN CONFESOR.

"Firmado y jurado ante mí, hoy día 3 de Diciembre, 1900.

"HOMER B. GRANT,

"Second Lieutenant, 26th Infantry, U. S. Volunteers.

"Testigo."

did thereafter, to wit, on or about the 14th day of December, A. D. 1900, violate said oath of allegiance by then and there and in company with other members of the

society known as the "Katipunan" conspiring with the insurgent forces then and there being in open rebellion against the lawfully constituted authority of the United States, to burn the aforesaid pueblo of Cabatuan, and did then and there burn and cause to be burned the said pueblo of Cabatuan by the members of the police force of the said pueblo of Cabatuan."

CHARGE V.—"Arson."

Specification.—"In that, on or about the 14th day of December, A. D. 1900, then, as now, a time of insurrection, at or near the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Julian Confesor, a native, and on said date being vice-presidente of the said pueblo of Cabatuan, did, maliciously and willfully, order, direct, and cause the police force of said pueblo of Cabatuan, and others, to set fire to and burn the dwelling houses in the said pueblo of Cabatuan to the number of one hundred (100) more or less."

PLEA.—"Not guilty."

FINDING.—Of the first specification, first charge, "guilty;" of the second specification, first charge, "guilty;" of the first charge, "guilty;" of the first specification, second charge, "guilty;" of the second specification, second charge, "guilty;" of the third specification, second charge, "not guilty;" of the second charge, "guilty;" of the first specification, third charge, "guilty;" of the second specification, third charge, "guilty;" of the third charge, "guilty;" of the first specification, fourth charge, "guilty," except the words 'and by holding secret conferences with the leaders of the insurgent forces,' and of the excepted words, "not guilty;" of the second specification, fourth charge, "guilty;" of the fourth charge, "guilty;" of the specification, fifth charge, "not guilty;" of the fifth charge, "not guilty."

SENTENCE.—And the commission does therefore sentence him, Julian Confesor, native, "To be hanged by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring in the death sentence imposed."

In the foregoing case it appears that the accused, Julian Confesor, native, while holding the respective offices of presidente and vice-presidente of the pueblo of Cabatuan, during a portion of which time he was under oath of allegiance to the Government, systematically exerted his individual energies and official functions to the aid and assistance of the insurgents by supplying them with information, money, and needed supplies. General orders were issued by him to the police to abstract arms from the American soldiers where opportunity presented itself; to kill American soldiers where they could be individually isolated from their companions; and specifically it is shown that he caused two of the policemen of his pueblo to assassinate Private George O. Hill, 18th U. S. Infantry, and then sent the rifle of the dead soldier to the insurgents.

It further appears that the accused was a member of the Katipunan, and in a council of that revolutionary society he agreed to a resolution to burn the pueblo in conjunction with an attack to be simultaneously made by the insurgents upon the American garrison there stationed, and that, in pursuance of this design, the attack was made and the pueblo set on fire, the accused, with the police force at his command, aiding therein and in spreading the flames, by which many hundreds of his people whom he was appointed to protect and serve were rendered homeless.

The magnitude of his crimes and the extreme treachery, bad faith and betrayal of official trust with which he planned and executed them, constrain the reviewing authority to confirm the sentence, which will be duly executed at the pueblo of Cabatuan, island of Panay, P. I., on the 5th day of July, A. D., 1901, under the direction of the commanding general, Department of the Visayas.

II. Agustin Jiloca, native.

CHARGE I.—"Being a war traitor."

Specification 1.—"In that, on or about the 1st day of August, 1900, and at divers times and days since said date, then, as now, a time of insurrection, one Agustin Jiloca, a native, being then and there on said days and dates presidente of, and residing in the pueblo of Cabatuan, island of Panay, P. I., then, as now, a place occupied by the military forces and under the military government of the United States, did, without the consent of the military government of the United States or any military commander thereof, hold intercourse with the enemy, in this, that he, the said Agustin Jiloca, native, did, then and there, receive from and send letters to and hold secret conferences with the leaders of the insurgents. This at the times and places mentioned."

Specification 2.—"In that, on or about the 1st day of August, 1900, and at divers times and days since said date, then, as now, a time of insurrection, one Agustin Jiloca, native, he, the said Agustin Jiloca, being then and there presidente of, and

residing in pueblo of Cabatuan, island of Panay, P. I., then, as now, a place occupied by the military forces and under the military government of the United States, did, without authority of the military government of the United States, or any military commander thereof, hold intercourse with the enemy, in this, that he, the said Agustin Jiloca, native, did then and there at the times mentioned, deliver and cause to be delivered to the leaders of the insurgents, certain money, food, and clothing, for the use of insurgent forces then and there engaged in insurrection against the lawfully constituted authority of the United States. This at the times and place mentioned."

CHARGE II.—"Aiding and abetting the enemy."

Specification 1.—"In that, on or about the 1st day of August, 1900, one Agustin Jiloca, a native, was, and since has been, then, as now, a time of insurrection, a member and adjutant of the Katipunan of the pueblo of Cabatuan, island of Panay, P. I., a society organized and instituted for the purpose of aiding, assisting, and supporting insurgent forces then and there in rebellion against the lawfully constituted authority of the United States, by then and there contributing money, food, and clothing for said insurgent forces, and said Agustin Jiloca, being then and there and at all times mentioned herein above presidente of, and residing in the aforesaid pueblo of Cabatuan, island of Panay, P. I., then, since, and now a place occupied by the military forces and under the military government of the United States. This at the times and place mentioned."

Specification 2.—"In that, on or about the 1st day of August, 1900, and at divers times and days since said date, then, as now, a time of insurrection, one Agustin Jiloca, native, he, the said Agustin Jiloca, native, being then and there presidente of, and residing in the pueblo of Cabatuan, island of Panay, P. I., a place then, as now, occupied by the military forces and under the military government of the United States, did, then and there, in violation of his duties as such presidente, give and render aid and comfort to the enemy, in this, that he, the said Agustin Jiloca, did, then and there, solicit and collect large sums of money and large quantities of rice and clothing from the residents of the aforesaid pueblo of Cabatuan and its adjacent barrios; and did, afterwards, on or about the days and dates above mentioned, deliver and cause to be delivered to the insurgent forces, then and there engaged in open rebellion against the lawfully constituted authority of the United States, the aforesaid money, rice, and clothing. This at the times and place mentioned."

CHARGE III.—"Violation of the laws of war."

Specification 1.—"In that, Agustin Jiloca, native, having on or about the 3d day of December, 1900, then, ever since, and now, a time of insurrection voluntarily taken and subscribed to the oath of allegiance to the United States in the words and figures substantially as follows, to wit:

"*Juramento de fidelidad.*

"*CIUDAD DE CABATUAN, ISLA DE PANAY.*

"Yo, Agustin Jiloca, por la presente renunció á toda submisión á cualquiera de y á todos los titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacífico de dichas islas y no mantendré relaciones directa ni indirectamente con, ni facilitaré noticias á, ningún enemigo de los Estados Unidos, ni prestaré apoyo, ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales de ningún género ni propósito de evadirla, y así Dios me ayude.

"*AGUSTIN JILOCA.*

"Firmado y jurado ante mí, hoy día 3 de diciembre, 1900.

"*HOMER B. GRANT.*

"*Second Lieutenant, 26th Infantry, U. S. Volunteers.*

"Testigo:

"*A. A. BARKER,*

"*Captain, 26th Infantry, U. S. Volunteers.*

"*CICERO CURAND.*

"En Duplicado."

"did violate said oath allegiance by afterwards, to wit: On or about the 6th day of December, 1900, and on divers other days and dates since said date, hold intercourse with the enemy, by then and there holding secret conferences with the leaders of the

the insurgent forces, an organization engaged in insurrection against the lawfully constituted authority of the United States, he, the said Agustin Jiloca, native, being then and there presidente of and residing in the pueblo of Cabatuan, island of Panay, P. I., a place then, ever since, and now occupied by the military forces and under the military government of the United States. This at the times and place above mentioned."

Specification 2.—"In that, Agustin Jiloca, native, having on or about the 3d day of December, 1900, then, as now, a time of insurrection, taken and subscribed to the oath of allegiance to the United States, in words and figures substantially as follows, to wit:

"*Juramento de fidelidad.*

"CIUDAD DE CABATUAN, ISLA DE PANAY.

"Yo, Agustin Jiloca, por la presente renunció á toda sumisión á cualquiera de y á todos los titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacífico de dichas islas y no mantendré relaciones directa ni indirectamente con, ni facilitaré noticias á, ningún enemigo de los Estados Unidos, ni prestaré apoyo, ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales de ningún género ni propósito de evadirla, y así Dios me ayude.

"AGUSTIN JILOCA.

"Firmado y jurado ante mí, hoy día 3 de diciembre, 1900.

HOMER B. GRANT,

"Second Lieutenant, 26th Infantry, U. S. Volunteers.

"A. A. BARKER,

"Captain 26th Infantry, U. S. Volunteers.

"CICERO CURAND."

"did violate said oath of allegiance by afterwards, to wit, on or about the 6th day of December, 1900, and at divers other times since said date, by then and there collecting large sums of money from the inhabitants of the pueblo of Cabatuan, island of Panay, P. I., and did thereafter, on or about the days mentioned above, deliver and cause to be delivered said sums of money so collected as aforesaid to the leaders of the insurgents, he the said Agustin Jiloca, native, then and there well knowing said leaders of the insurgents to be engaged in insurrection against the lawfully constituted authority of the United States, and he, the said Agustin Jiloca, native, being then and there presidente of and residing in the pueblo of Cabatuan, island of Panay, P. I., a place then, since, and now occupied by the military forces and under the military government of the United States. This at the times and place mentioned."

CHARGE IV.—"Arson."

Specification.—"In that, on or about the 14th day of December, 1900, then, as now, a time of insurrection, at or near the Pueblo of Cabatuan, Island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Agustin Jiloca, native, then and there filling and occupying the position of presidente of the said Pueblo of Cabatuan, did willfully, feloniously and maliciously order, direct and cause to be burned in the nighttime one hundred (100) dwelling houses, more or less, in the said Pueblo of Cabatuan, Island of Panay, P. I."

CHARGE V.—"Murder."

Specification.—"In that, on or about the 19th day of July, 1900, then, as now, a time of insurrection, at or near the Pueblo of Cabatuan, Island of Panay, P. I., a place then, as now, a part of the territory and under the military government of the United States, one Agustin Jiloca, native, having been duly informed that Eladio Jilarios and Placido Hebia, natives, and each of them, had feloniously, willfully and with malice aforethought, murdered and killed one George O. Hill, Private, Company H, 18th U. S. Infantry, with bolos held in the hands of the said Eladio Jilarios and Placido Hebia, natives, and each of them, did harbor, receive, maintain and protect the said Eladio Jilarios and Placido Hebia, natives, and each of them, and did direct and cause the knowledge of said murder to be suppressed and withheld from the lawfully constituted authorities, well knowing that the said Eladio Jilarios and Placido Hebia, and each of them, had feloniously murdered and killed said George O. Hill, Private, Company H, 18th U. S. Infantry, in manner and form as aforesaid."

CHARGE VI.—"Being a war rebel."

Specification.—"In that, on or about the 3d day of December, 1900, then, as now, a time of insurrection, at or near the Pueblo of Cabatuan, Island of Panay, P. I., a

place then, as now, a part of the territory and under the military government of the United States, one Agustin Jiloca, a native, and presidente of said Pueblo of Cabatuan, having freely and voluntarily taken and subscribed to an oath of allegiance to the United States, in words and figures substantially as follows, to-wit:

“*Juramento de Fidelidad.*

“*Ciudad de Cabatuan, ISLA DE PANAY.*

“Yo, Agustín Jiloca, por la presente renuncio á toda sumisión á cualquiera de y á todos titulados gobiernos revolucionarios en las Islas Filipinas, y reconozco y acepto la autoridad suprema de los Estados Unidos de América en ellas establecida; y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacífico de dichas islas y no mantendré relaciones directa ni indirectamente con, ni facilitaré noticias á ningún enemigo de los Estados Unidos ni prestaré apoyo, ayuda ó protección á semejante enemigo. Que me impongo esta obligación de mi libre y espontánea voluntad, sin reservas mentales de ningún género, ni propósito de evadirla, y así Dios me ayude.

“AGUSTÍN JILOCA.

“Firmado y jurado ante mí, hoy 3 de Diciembre, 1900.

“HOMER B. GRANT.

“*Second Lieutenant, 26th Infantry, U. S. Volunteers.*

“Testigo.”

did thereafter, to-wit: on or about the 14th day of December, 1900, while still presidente of and resident in said Pueblo of Cabatuan, then, as now, occupied by the military forces of the United States, conspire with certain other members of a society known as the Katipunan and officials of the said Pueblo of Cabatuan, and with certain persons in open insurrection against the United States, to rise up in arms against the authorities of the United States, and to then and there, and in conjunction with the police force of the said Pueblo of Cabatuan, and with said forces in insurrection against the United States, to surround and capture the garrison of American soldiers then and there stationed.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, first charge, “guilty;” of the second specification, first charge, “guilty;” of the first charge, “guilty;” of the first specification, second charge, “guilty;” of the second specification, second charge, “guilty;” of the second charge, “guilty;” of the first specification, third charge, “guilty, except the words, ‘by then and there holding secret conference with the leaders of the insurgent forces,’ and of the excepted words, not guilty;” of the second specification, third charge, “guilty, except the words ‘said sums of money so collected as aforesaid,’ substituting therefor the words ‘supplies;’ of the excepted words, not guilty, and of the substituted words, guilty;” of the third charge, “guilty;” of the specification, fourth charge, “guilty;” of the fourth charge, “guilty;” of the specification, fifth charge, “guilty, except the words ‘harbor, receive, maintain, and,’ and of the excepted words, not guilty;” of the fifth charge, “guilty;” of the specification, sixth charge, “guilty;” of the sixth charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Agustin Jiloca, native, “to be hanged by the neck until dead, at such time and place as may be directed by the reviewing authority, two-thirds of the military commission concurring in the death sentence imposed.”

In the foregoing case the following are the remarks of the department commander thereon:

“In the foregoing case of Agustin Jiloca, native, it appears that when one of the cabezas of the pueblo reported to him the murder of an American soldier by members of the police force of the town of Cabatuan, of which he was a principale, he took advantage of every means in his power to prevent the information of this crime from reaching the American authorities and to shield the criminals from justice; that thereafter he accepted appointment and was duly installed as presidente of the pueblo of Cabatuan, early in the month of August, 1900; that thereafter he directed the collection of supplies of money, rice, food, etc., for those who were known to be in insurrection against the United States; that he caused the contributions and purchases made therefrom to be sent and delivered to the commanding officer of the troops of insurrection against the lawfully constituted authority of the United States, and that this practice was continued up to the time he voluntarily took the oath of allegiance with the cabezas, oficiales, and principales of the pueblo on the 3d day of December, 1900, and after that time the delivery of rice was certainly continued.

"It appears conclusively that after December 3, 1900, the accused, with a number of other members of the Katipunan society, deliberately planned and assisted in the burning of the pueblo of Cabatuan, which was at that time, and for a long time previous thereto had been, occupied by the American troops; that in addition this same society, on the same date that it agreed to burn the town, also planned, and the accused, in conformity with that plan, directed the members of the police force of the town to cooperate with the insurgents not only in the burning of the town, but also in their endeavor to overcome the American garrison.

"The foregoing facts seem to be clearly established, and constitute such a glaring violation of the laws of war that this accused must be presumed to have known of them.

"The proceedings, findings, and sentence are therefore approved."

The sentence is confirmed, and will be duly executed at the pueblo of Cabatuan, Island of Panay, P. I., on the 5th day of July, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

By command of Major-General MacArthur:

THOMAS H. BARRY.

Brigadier-General, U. S. Volunteers, Chief of Staff.

HEADQUARTERS DIVISION OF THE PHILIPPINES.

Manila, P. I., July 13, 1901.

General Orders, No. 171.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 158, Headquarters Department of Northern Luzon, October 3, 1900, and of which Lieut. Col. Samuel M. Swigert, 13th U. S. Cavalry, was president, and Maj. Charles F. Keiffer, surgeon, 48th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Simplicio Geronilla, native.

CHARGE.—"Murder in violation of the laws of war."

Specification.—"In that Simplicio Geronilla, native, of Bangar, Union Province, while living under the protection of the United States military government as an 'amigo,' was present and did act as leader of an armed band which fired upon a detachment of Troop C, 3d Cavalry, which was commanded by Sergeant Davis, same troop, and did, with the guns held in the hands of the members of the said band, willfully, feloniously, and with malice aforethought, murder and kill Privates Benson and Barry, Troop C, 3d Cavalry, members of the said detachment, by shooting said Benson and Barry, inflicting wounds whereof said Benson and Barry then and there died. This at or near Sodipen, Bangar, Union Province, on or about Jan. 12, 1900."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Simplicio Geronilla, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case it appears that the accused, Simplicio Geronilla, native, while residing in territory occupied by the United States Government, was present with insurgent troops during an engagement between them and some American troops. In this engagement two American soldiers were killed by the fire of the insurgent soldiers. The accused was not armed. On these facts the accused is charged with and found guilty of murder.

The finding can not logically be sustained. The killing of the deceased soldiers in an engagement with a regular detachment of the public enemy is not murder, but a natural consequence incidental to a state of war. It is not contended that the accused himself did the killing, and as these American soldiers fell in battle, accused can not be guilty of their murder. He could only be so held on the theory that he was one of a band combined together for the commission of murder, which theory does not meet the facts proven. The accused is doubtless guilty, and could have been convicted of being a war traitor, in that while living within the lines of United States occupation, he aided and abetted the enemy, but for this offense he was not tried, and the reviewing authority may not substitute one finding for another.

The sentence is, therefore, disapproved and the accused, Simplicio Geronilla, will be set at liberty.

By command of Major-General Chaffee:

THOMAS H. BARRY.

Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 22, 1901

General Orders, No. 187.

Before a military commission which convened at Iloilo, Panay, P. I., pursuant to paragraph 3, Special Orders, No. 70, Headquarters Department of the Visayas, March 16, 1901, and of which Lient. Col. Charles J. Crane, 38th Infantry, U. S. Volunteers, was president, and Capt. Edward F. Glenn, 25th U. S. Infantry, was judge-advocate, was arraigned and tried Damascio Biating, native.

CHARGE.—“Murder.”

Specification.—“In that on or about the 17th day of August, A. D. 1900, then as now a time of insurrection, at or near the pueblo of Baratoc Nuevo, island of Panay, P. I., a place then as now occupied by the military forces and under the military government of the United States, one Damascio Biating, a native, consorting with divers other persons, names and numbers unknown, did, willfully and feloniously, with malice aforethought, murder and kill one James T. Burgey, private, Company C, 26th Infantry, U. S. Volunteers, by then and there cutting and stabbing the said James T. Burgey with a sharp instrument commonly called a dagger, held in the hands of the said Damascio Biating and his confederates, then and there in the manner aforesaid inflicting wounds upon the body of the said James T. Burgey from the effects of which wounds so inflicted as aforesaid the said James T. Burgey then and there died.”

PLEA.—To the specification, “guilty;” to the charge, “guilty.”

ADDITIONAL CHARGE.—“Murder.”

Specification.—“In that on or about the 29th day of August, 1900, then as now a time of insurrection, at or near Tuburan, pueblo of Baratoc Nuevo, island of Panay, P. I., a place then as now under the military occupation and government of the United States, one Damascio Biating, in company of and consorting with Carlos Asis and Francisco Berja, natives, did, willfully, feloniously, and with malice aforethought, kill and murder one Gervacio Besas, native, by then and there striking and cutting the said Gervacio Besas on the face, neck, and body with a sharp instrument commonly called a bolo held in the hands of the said Damascio Biating, native, and in the hands of his said confederates, then and there and in the manner aforesaid inflicting wounds upon the body of the said Gervacio Besas, native, from the effects of which said wounds so inflicted as aforesaid the said Gervacio Besas, native, then and there died.”

PLEA.—To the specification, additional charge, “not guilty;” to the additional charge, “not guilty.”

FINDING.—Of the specification, “guilty;” of the charge, “guilty;” of the specification, additional charge, “guilty, excepting the word ‘and,’ which occurs immediately after the words ‘said Damascio Biating, native,’ and immediately before the words ‘in the hands of,’ substituting therefor the word ‘or,’ of the excepted word, not guilty, of the substituted word, guilty;” of the additional charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Damascio Biating, native, “To be hanged by the neck until dead at such time and place as the reviewing authority may designate, two-thirds of the members of the military commission concurring in the death sentence.”

In the foregoing case it appears that this accused, Damascio Biating, native, about August 17, 1900, with one or more companions, assassinated with daggers, Private T. Burgey, Company C, 26th Infantry, U. S. Volunteers, while the latter was acting as a guard of prisoners hauling water for the garrison stationed at Baratoc Nuevo, Panay. It also appears that the accused participated in a similar assassination of a native, Gervacio Besas, August 29, 1900.

To the first charge accused pleaded guilty and the evidence fully sustains the charge, and also the second charge.

Accused claims to have been a regular insurgent soldier, operating against United States troops, of which Private Burgey was one, and to have been acting under the orders of his superiors. Opposed to this plea is the fact that he was within the American lines ununiformed and disguised as a pacifico.

The sentence, approved by the department commander, is confirmed and will be duly executed at Baratoc Nuevo, Panay, P. I., on the sixth (6th) day of September, A. D. 1901, under the direction of the commanding general, Department of the Visayas.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 25, 1901.

General Orders, No. 194.

Before a military commission which convened at Laoag, province of Ilocos Norte, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 98, Headquarters Department of Northern Luzon, April 10, 1901, and of which Maj. Alfred Reynolds, 20th U. S. Infantry, was president, and First Lieut. George H. Estes, 20th U. S. Infantry, was judge-advocate, were arraigned and tried: Sotero Calingao and Santos Aposto Rumbaoa, natives.

CHARGE.—“Murder.”

Specification.—“In that Sotero Calingao and Santos A. Rumbaoa, natives, and each of them, on or about December 31, 1900, at or near the sitio of Dutdut, barrio of Colo, jurisdiction of Batac, province of Ilocos Norte, P. I., in territory then as now occupied by United States troops and at a time then as now of insurrection against the lawful authority of the United States, did, in company of and consorting with a band of armed outlaws, names and numbers unknown, wilfully, feloniously, and with malice aforethought, kill and murder Private Eugene R. Lyons, Co. K, 5th Infantry, by cutting or stabbing the said Lyons with a bolo or bolos, held in the hands of members of said band, inflicting wounds therewith whereof the said Lyons then and there died. This at the times and places above specified.”

PLEAD.—“Not guilty.”

FINDINGS.—Of the specification: “Guilty, except the words ‘Private Eugene R. Lyons, Co. K, 5th Infantry,’ substituting therefor ‘an American soldier,’ and excepting the words ‘said Lyons,’ substituting therefor ‘said soldier,’ of the excepted words, not guilty, and of the substituted words, guilty.” Of the charge: “Guilty.”

SENTENCE.—And the commission does therefore sentence them, Sotero Calingao and Santos Aposto Rumbaoa, natives, and each of them, “to be hung by the neck till dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case it appears that these accused, Sotero Calingao and Santos A. Rumbaoa, in company of other natives, did, at barrio Colo, Batac, Ilocos Norte, entice away an American soldier to an isolated place, there kill him with bolos and bury his body on the spot.

No reasonable doubt as to the guilt of those accused arises from the record, and no denial or explanation is offered by them.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Batac, province of Ilocos Norte, Luzon, P. I., on the sixth (6th) day of September, A. D. 1901, under the direction of the commanding general, Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
*Assistant Adjutant-General.*HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 31, 1901.

General Orders, No. 198.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 158, Headquarters Department of Northern Luzon, October 3, 1900, and of which Lieut. Col. Samuel M. M. Swigert, Thirteenth U. S. Cavalry, was president, and Maj. Charles F. Kieffer, surgeon, Forty-eighth Infantry, U. S. Volunteers, was judge-advocate, were arraigned and tried:

I. Luis Lopez, Gregorio Omega, Felipe Carino y Barmachea, and Jacinto Abad, natives.

CHARGE.—“Murdering American prisoners in violation of the laws of war.”

Specification 1.—“In this that they, Luis Lopez, corporal, and Gregorio Omega, Jacinto Abad, Felipe Carino y Barmachea, members of the insurrecto company of Fortunato Gaerlan, charged with the duty of escorting an American prisoner, Sullivan, from Dercas to Bugbugcao, did upon the prearranged signal, given by the said Corporal Luis Lopez, murder the said American prisoner Sullivan, with bayonets held in the hands of Gregorio Omega, Jacinto Abad, Felipe Carino y Barmachea, and Dionisio Corpus, members of the said escort.” “This at or near the Rancheria Sabed, Union Province, Luzon, P. I., on or about March, 1900.”

Specification 2.—“In this that they, Luis Lopez, corporal, and Gregorio Omega, Jacinto Abad, and Felipe Carino y Barmachea, soldiers of the insurrecto company of Fortunato Gaerlan, being charged with the duty of escorting an American pris-

oner, James L. Husketh, Company H, Twenty-ninth Infantry, U. S. Volunteers, from Dercas to Bugbugcao, did, upon the prearranged signal, given by the said Corporal Luis Lopez, murder the said American prisoner, James L. Husketh, Company H, Twenty-ninth Infantry, U. S. Volunteers, with bayonets held in the hands of Gregorio Omega and Jacinto Abad and Felipe Barmachea and another, name unknown, members of the above mentioned escort, and by shooting him with a gun held in the hands of the said Luis Lopez, corporal of the escort."

"This at or near Rancheria Sabed, Union Province, Luzon, P. I., on or about the month of March, 1900."

PLEAS.—"Not guilty."

FINDINGS.—Of the first specification, "guilty;" of the second specification, "guilty," except the words, 'another, name unknown,' substituting therefor, 'Dionisio Corpus;' of the excepted words, not guilty; of the substituted words, guilty;" of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence them, Luis Lopez, Gregorio Omega, Felipe Carino y Barmachea, and Jacinto Abad, natives, and each of them "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

II. Dionisio Corpus, native.

CHARGE.—"Murdering American prisoners in violation of the laws of war."

Specification 1.—"In this that they, Luis Lopez, Gregorio Omega, Jacinto Abad, Dionisio Corpus, and Felipe Carino y Barmachea, members of the insurrecto company of Fortunato Gaerlan, charged with the duty of escorting an American prisoner, Sullivan, from Dercas to Bugbugcao, did, upon the prearranged signal given by the said Corporal Luis Lopez, murder the said American prisoner, Sullivan, with bayonets held in the hands of Gregorio Omega, Dionisio Corpus, Felipe Carino y Barmachea, and Jacinto Abad, members of the said escort." "This at or near the Rancheria Sabed, Province of Union, Luzon, P. I., on or about March, 1900."

Specification 2.—"In this that they, the said Luis Lopez, corporal, and Gregorio Omega, Jacinto Abad, Felipe Carino y Barmachea, and Dionisio Corpus, soldiers of the insurrecto company of Fortunato Gaerlan, being charged with the duty of escorting an American prisoner, James L. Husketh, Company H, Twenty-ninth Infantry, U. S. Volunteers, from Dercas to Bugbugcao, did, upon the prearranged signal given by the said Corporal Luis Lopez, murder the said American prisoner, James L. Husketh, Company H, Twenty-ninth Infantry, U. S. Volunteers, with bayonets held in the hands of Gregorio Omega, Felipe Carino y Barmachea, Jacinto Abad, Dionisio Corpus, members of the above mentioned escort, and by shooting him with a gun, held in the hands of the said Luis Lopez, corporal of the said escort." "This at or near the Rancheria of Sabed, Province of Union, Luzon, P. I., on or about the month of March, 1900."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the commission does therefore sentence him, Dionisio Corpus, native, "To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing cases it appears that these accused, Luis Lopez, Gregorio Omega, Felipe Carino y Barmachea, Jacinto Abad, and Dionisio Corpus, natives, were regular insurgent soldiers in the field and forming part of a command on the march retreating before the approach of the American troops; that they were acting as guard over two American prisoners, George B. Sullivan, a civilian, and Private James L. Husketh, of Company H, 29th Infantry, U. S. Volunteers, when they received orders that, at a prearranged signal—the lifting of a cap of a corporal of the guard marching in front—they should, with their bayonets, run the prisoners through the body from behind. These orders were given by their commanding officer, a lieutenant of insurgents, and were executed in his presence; and for this violation of the laws of war he is now awaiting the execution of the sentence of death.

The circumstances show that these accused acted under the eye or in the near presence of their commanding officer, with no opportunity to appeal to higher authority, and with no other alternative than mutinous disobedience of positive orders, for which they would be liable, under the military customs of the insurgent forces, to immediate summary execution. If taking the life of another person is ever justifiable under duress, the elements of such justification are here present. Certain it is that the criminal elements of felonious intent and malice aforethought are lacking in the case of the prosecution.

The sentences are therefore disapproved. These accused will be set at liberty.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., July 31, 1901.

General Orders, No. 201.

Before a military commission which convened at Manila, P. I., pursuant to paragraph 6, Special Orders, No. 126, Headquarters Provost Marshal-General (Separate Brigade, Provost Guard), June 3, 1901, and of which Lieut. Col. Robert W. Leonard, Twenty-eighth Infantry, U. S. Volunteers, was president, and First Lieutenant George P. Whitsett, Thirty-second Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Patrick Cunningham, a civilian.

CHARGE.—“Murder.”

Specification.—“In that he, Patrick Cunningham alias ‘Happy,’ on or about the 20th day of March, 1901, a time then as now of insurrection against the lawful authority of the United States, at Manila, Luzon, P. I., a place then as now occupied by the troops of the United States, did feloniously, wilfully, and with malice aforethought kill and murder one Joseph J. Follen by thrusting and forcing him, the said Joseph J. Follen, into the river Pasig, wherein there was a great quantity of water, by reason of which thrusting and forcing of him, the said Joseph J. Follen, into the said river and water he, the said Joseph J. Follen, was then and there mortally choked, suffocated, and drowned.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Patrick Cunningham alias “Happy,” “To be confined at hard labor for the term of his natural life in such place as the reviewing authority may direct.”

In the foregoing case it appears that the accused, Patrick Cunningham, on the evening of March 20, 1901, boarded the Cavite ferryboat, then laid up for the night and moored to the quay on the water front of Manila, for the purpose of sleeping there. He was followed by Joseph J. Follen, a metropolitan policeman, who placed him under arrest for vagrancy. As they were both passing over the gang plank the accused deliberately and intentionally pushed Follen into the Pasig River, where he was drowned.

The sentence, approved by the convening authority, is confirmed, and will be duly executed at the Presidio de Manila, to which place the accused, Patrick Cunningham, will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 22, 1901.

General Orders, No. 232.

Before a military commission which convened at San Isidro, Province of Nueva Ecija, pursuant to paragraph 3, Special Orders, No. 171, Headquarters Department of Northern Luzon, October 17, 1900, and of which Captain Ernest V. Smith, 4th U. S. Infantry, was president, and 1st Lieutenant Richard C. Day, 34th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Catilino Ortis Luis, a native.

CHARGE I.—“Assault and battery with intent to commit murder.”

Specification.—“In that one Catilino Ortis Luis, a native, on or about the 15th day of March, 1900, then as now a time of insurrection, at or near the barrio of San Fernando, pueblo of Cabiao, Province of Nueva Ecija, P. I., a place then as now in the theatre of active military operations, in company with Macario Estrella, Santiago Tiglaio, and other natives, to the number of three, more or less, names unknown, all armed outlaws engaged in guerrilla warfare and dressed as peaceful peasants of the country, did wilfully, feloniously, and with malice aforethought and with the intent and present ability to kill and murder one Charles W. Ray, a sergeant of Company I, 22d U. S. Infantry, assault and torture the said Ray by stabbing, striking, and cutting the said Ray with sundry and divers deadly weapons, commonly called bolos, held in the hands of members of said band, and by striking and beating said Ray with a club commonly known as a rice pounder, held in the hands of members of the said band, names unknown, inflicting with said weapons numerous painful and dangerous wounds upon the body, head, and arms of said Ray, and did continue to cut, stab, and wound said Ray and to menace and torture him, said Ray, after he, said Ray, had fallen helpless to the ground, until they, said Catilino Ortis Luis, Macario Estrella, and other members of said band, names unknown, were frightened away by the approach of American troops. This at the time and place above stated.”

CHARGE II.—“Abduction.”

Specification.—“In that he, Catilino Ortis Luis, a native, did, on or about the 16th day of April, 1900, then as now a time of insurrection, at or near the barrio of Cabiao, town of San Isidro, in the Province of Nueva Ecija, P. I., then as now in the theatre of active military operations, acting and in company with a band of armed outlaws, names unknown, to the number of eleven, more or less, feloniously seize, put in fear, and conduct away against their will and consent, Francisca Tobias, Paulita Tobias, and Francisca Magna, native women, and did keep said women in captivity for the space of about two days. This at the time and place stated.”

CHARGE III.—“Robbery.”

Specification.—“In that he, Catilino Ortis Luis, a native, did, on or about the 16th day of April, 1900, then as now, a time of insurrection, at or near the barrio of Calaboa, town of San Isidro, in the Province of Nueva Ecija, P. I., then, as now, in the theatre of active military operations, acting and in company with a band of armed outlaws, names unknown, to the number of eleven, more or less, feloniously and forcibly take from the presence of Francisca Tobias, Paulita Tobias, and Francisca Magna, native women, a large sum of money, value not known, of the personal property of said women. This at the time and place above stated.”

CHARGE IV.—“Treachery, in violation of the laws of war.”

Specification.—“In that he, Catilino Ortis Luis, a native, being on and for a long time before and after the 17th day of January, 1901, a member and the leader of a band of native outlaws, names unknown, numbering five, more or less, armed with three guns and one revolver, more or less, and waging guerrilla warfare against the United States of America, in the vicinity of the pueblo of Cabiao, Province of Nueva Ecija, P. I., said guns and revolvers being then and there in the keeping of other members of said band, but within the personal knowledge, direction, and control of said Catilino Ortis Luis, did knowingly, falsely, and treacherously, and with intent to deceive, voluntarily present himself to and take before First Lieut. Raymond Sheldon, 22d U. S. Infantry, summary court officer, at the pueblo of San Isidro, P. I., the following oath of allegiance to the United States of America, to wit:

“*Juramento de Fidelidad.*

“SAN ISIDRO, NUEVA ECIIJA,
“ISLA DE LUZON.

“Yo, *Catilino Ortis Luis*, por la presente, renuncio a toda sumision á cualquiera de y a todo los titulados gobierno revolucionario en las Islas Filipinas, y reconosco y acepto la autoridad suprema de los Estados Unidos de America en ellas establecida y juro solemnemente guardar verdadera fe y lealtad hacia aquel Gobierno; que en todo tiempo mi conducta será la de un ciudadano fiel y pacifico de dichas Islas y no mantendra relaciones directa ni indirectamente con, ni facilitaré noticias a, ningun enemigo de los Estados Unidos, ni prestare apoyo ayuda ó proteccion á semejante enemigo. Que me impongo esta obligacion, de mi libre y espontanea voluntad, sin reservas mentales de ningun genero ni proposito de evadieria y así Dios me ayude.

“*Catilino Ortis Luis.*

“Firmado y jurado ante mi, hoy dia 17 de Enero, 1901.”

and did then and there with the further felonious and treacherous intent to deceive said Lieutenant Sheldon, surrender to him, said Lieutenant Sheldon, one Remington rifle as being all the arms in his possession, control, or direction, and within his personal knowledge, said Catilino Ortis Luis, then and there and ever afterward concealing and withholding from said Lieutenant Sheldon the facts that he, said Catilino Ortis Luis, was then and there still a member and the leader of said band of outlaws and that he, said Catilino Ortis Luis, so still knew and had the direction and control of said three remaining guns and one revolver, more or less, in the keeping of said band, in addition to the one Remington rifle, which he, the said Catilino Ortis Luis, had so surrendered to said Lieutenant Sheldon, as aforesaid. This at the time and place above stated.”

PLEA.—“Not guilty.”

FINDINGS.—Of the specification, first charge, “guilty;” of the first charge, “guilty;” of the specification, second charge, “guilty;” of the second charge, “guilty;” of the specification, third charge, “guilty;” of the third charge, “guilty;” of the specification, fourth charge, “not guilty;” of the charge, “not guilty.”

SENTENCE.—And the commission does therefore sentence him, Catilino Ortis Luis, “to be confined at such place as the reviewing authority may direct at hard labor for the period of twenty years.”

In the foregoing case of Catilino Ortis Luis the commission has fallen into error of law in so far as the first charge is concerned, in admitting an alleged confession of

accused without first requiring the prosecution to show that the confession was voluntary, and, second, without first requiring prima facie proof of the fact that a crime had been committed, i. e., the corpus delicti to be presented. Independent of this error the record fails to disclose any criminal act of the accused under the first charge. There is no evidence that a felonious assault was committed upon the soldier, Charles W. Ray, the only fact shown on that point being that the said Ray was seen at the hospital grievously wounded. Whether he received his wounds in open conflict with the enemy, whether within or without the lines of the American troops, whether he was the aggressor or victim, or whether he was alone or a component of an armed force, the reviewing authority is unable to determine from the record.

Furthermore, the alleged confession of accused does not necessarily imply criminality. From the confession it appears the accused was the insurgent commander of the band which inflicted the wounds upon Ray, and that said band was acting under the general orders of Alipio Tecson, to attack the enemy when they were encountered. No fact in the record negatives the presumption in favor of the accused that such attack was a legitimate one, incidental to a state of war.

Under the charge of abduction and the third charge, robbery, the evidence shows that the accused was present with a band of outlaws under the command of one Bautista, and is jointly responsible, with the other members of the band, for these crimes.

It appears, however, that he was not an active participant therein, nor is there any evidence that he shared in the division of the moneys taken by force and violence from the abducted women.

In view of this mitigating circumstance and his rightful acquittal of the fourth charge, some leniency will be shown him.

The sentence, approved by the department commander, is confirmed, but is mitigated to ten years' imprisonment at hard labor. As thus mitigated, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., August 30, 1901.

General Orders, No. 242.]

Before a military commission, which convened at San Francisco de Malabon, Cavite Province, Luzon, P. I., pursuant to paragraph 6, Special Orders, No. 124, Headquarters Department of Southern Luzon, May 4, 1901, and of which Major Charles W. Mason, 4th U. S. Infantry, was president, and Second Lieut. Arthur W. Brown, 4th U. S. Infantry, was judge-advocate, was arraigned and tried Esteban San Juan, a native.

CHARGE.—“Murder.”

Specification 1.—“In that Esteban San Juan, a native, and an officer in the insurgent army, combining and confederating with certain other persons, did feloniously, willfully, and with malice aforethought, kill and murder Private Charles R. White, Company H, 4th U. S. Infantry, by choking him with cords placed about his neck and held in the hands of some of said persons, from the effects of which the said private, Charles R. White, then and there died. This in time of insurrection, at or near the place known as Tres Pozos, in the town of Santa Cruz, province of Cavite, a place under the military government of the United States, on or about the 13th day of February, 1901.”

Specification 2.—“In that Esteban San Juan, a native, and an officer in the insurgent army, combining and confederating with certain other persons did, feloniously, willfully, and with malice aforethought, kill and murder Thomas H. Mathis, Company H, 4th U. S. Infantry, by choking him with cords placed about his neck and held in the hands of some of said persons, from the effects of which the said Private Thomas H. Mathis then and there died. This in time of insurrection, at or near the place known as Tres Pozos, in the town of Santa Cruz, province of Cavite, a place under the military government of the United States, on or about the 13th day of February, 1901.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Esteban San Juan,

"to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case, it appears that this accused, Esteban San Juan, was a colonel of insurgents and the ranking officer in the vicinity of Cavite, P. I.; that two American soldiers, while unarmed and unresisting, were captured by insurgent forces near San Francisco de Malabon, and transferred from insurgent station to station, until they reached the encampment of the accused, who thereupon ordered and caused these prisoners to be bound to trees and strangled to death with cords.

No doubt of the full guilt of accused, as alleged, arises from the record. The wanton and barbarous murder of helpless prisoners deserves but one fitting penalty.

The sentence, approved by the department commander, is confirmed and will be duly executed at the city of Manila, Luzon, P. I., on the twenty-seventh (27th) day of September, A. D. 1901, under the direction of the commanding officer, post of Manila.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 9, 1901.

General Orders, No. 264.

Before a military commission which convened at San Fernando de la Union, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 158, Headquarters Department of Northern Luzon, October 3, 1900, and of which Lieut. Col. Samuel M. Swigert, 13th U. S. Cavalry, was president, and Maj. Charles F. Kieffer, surgeon, 48th Infantry, U. S. Volunteers, was judge-advocate, was arraigned and tried Pedro A. Cruz, a native.

CHARGE.—"Murder, in violation of the laws of war."

Specification.—"In this, that he, Pedro A. Cruz, a leader of an armed band of guerrillas operating in Union Province, Luzon, P. I., did permit two American prisoners who were in his charge, one James R. Husketh, Company H, 29th Infantry, U. S. Volunteers, and one Sullivan, a commerciante, to be murdered by one Hilario Quesada and a detachment of guerrillas under the said Hilario Quesada's immediate command, the said Pedro A. Cruz being the officer in immediate command of the guerrillas guarding the aforesaid American prisoners. This at or near the rancheria of Sabel San Juan, a place in active theater of military operations, on or about March, 1900, a time of insurrection."

PLEA.—"Not guilty."

FINDING.—Of the specification, "guilty, except the words 'a leader of a band of armed guerrillas operating in Union Province, Luzon, P. I., did permit,' substituting therefor the words 'an insurgent officer, did by his presence aid in the murder of,' also excepting the words 'who were in his charge,' also excepting the words 'to be murdered,' also excepting the words 'the said Pedro A. Cruz being the officer in immediate command of the guerrillas guarding the aforesaid American prisoners;' of the excepted words not guilty and of the substituted words guilty." Of the charge, "guilty."

SENTENCE.—And the commission does therefore sentence him, the said Pedro A. Cruz, native, "to be confined at such place as the reviewing authority may direct, at hard labor, for the period of twenty years."

In the foregoing case it appears that the accused, Pedro A. Cruz, a first lieutenant of the insurgent army, while accompanying a band of insurgents under the command of Second Lieutenant Hilario Quesada, but exercising no function of control or command over the same, was present when said Hilario Quesada was ordered by his lieutenant-colonel to kill two American prisoners and was present when said order was executed.

It does not appear that accused in any wise participated in the killing, but he is charged with the murder "for not preventing the same." This allegation in the specification is insufficient without the additional allegation that accused had the power to prevent the crime. And the amendment of the specification by the commission to the effect that accused "did aid in the murder by his presence" is also insufficient in that mere presence at the scene of crime does not necessarily imply aid, in the absence of participation, sanction, or encouragement.

The order to kill was given directly to Quesada by his lieutenant-colonel, over whom accused then exercised no control. And it is affirmatively shown that accused took no part in the killing; and from the evidence it is believed could not have prevented the crime. Those responsible therefor have already been condemned to

death, and certain others, forced to participate under the immediate command of their officers and in fear of death in event of their refusal, have been released under disapproval of their sentences.

The sentence is disapproved and the accused, Pedro A. Cruz, will be set at liberty. By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 12, 1901.

General Orders, No. 272.

Before a military commission which convened at San Fernando, Union, Luzon, P. I., pursuant to paragraph 15, Special Orders, No. 197, Headquarters Department of Northern Luzon, July 20, 1901, and of which Major George P. Rorden, 5th U. S. Infantry, was president, and Captain Edward Sigerfoss, 5th U. S. Infantry, was judge-advocate, was arraigned and tried Juan M. Gutierrez, native.

CHARGE.—“Murdering prisoners in violation of the laws of war.”

Specification.—In that he, Juan M. Gutierrez, a major of the insurgent forces, did order and command that an American soldier, Private James Husketh, Co. H, 29th Infantry, U. S. V., and a noncombatant, one George Sullivan, both of the aforesaid men being prisoners of war in the custody of the troops under the immediate command of the said Gutierrez, be murdered; which was done with bayonets held in the hands of certain soldiers and under the personal supervision of one Lieutenant Quesada, a subordinate officer of the said Gutierrez, which soldiers and officer, the said Gutierrez, had charged with the execution of these murders. This at or near the rancheria of Sabed, a place then as now, in the theater of active military operations and in the month of March, 1900, then as now, in time of insurrection against the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Juan M. Gutierrez, “to be hung by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein.”

In the foregoing case of Juan M. Gutierrez, it appears from the evidence that he held the rank of major in the insurgent forces, and that his scattered guerrilla companies, being close pressed by the approaching American troops, he gave orders to one Hilario Quesada, a 2d lieutenant, in command of guerilla No. 5, to whose custody deceased had been committed, to kill them if driven from his then locality at Dercas. Later, the accused gave Quesada orders to join him with his command at Sabed, a few hours march from Dercas. Quesada obeyed the order, and in reporting with his command, was met with reproof because he had not already executed his prisoners. Thereupon the accused gave Quesada positive orders to execute them, giving as his reason, that there was danger of their recapture by the American forces, when they would be at liberty to disclose the hidden retreats in the mountains of the guerrilla bands commanded by the accused. Such a murderous rule of action would condemn to death half the prisoners taken by the insurgents and make of war on their part an organized method of wholesale assassination. The evidence further shows that the accused waited in the near vicinity of the place of execution and assured himself of the accomplishment of his murderous purpose. That the accused had sufficient intelligence to realize the enormity of his crime, the evidence convincingly shows. No mitigating circumstances appears of record and no doubt exists of his guilt.

The sentence, approved by the department commander, is confirmed and will be duly executed at San Fernando de la Union, Luzon, P. I., on the eighth (8th) day of November, A. D. 1901, under the direction of the commanding general, department of Northern Luzon.

By command of Major General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 22, 1901.

General orders, No. 321.

Before a military commission which convened at Guinobatan, Albay Province, Luzon, P. I., pursuant to paragraph 7, special orders, No. 148, Headquarters Depart-

ment of Southern Luzon, May 28, 1901, and of which Maj. Henry H. Wright, 9th U. S. Cavalry, was president, and First Lieut. George B. Pritchard, 9th U. S. Cavalry, was judge-advocate, was arraigned and tried Juan Biron, a native.

CHARGE.—“Accomplice in the crime of assaulting and maiming a scout in the service of the United States.”

Specification.—“In that Juan Biron, a native, did, on or about the 26th day of February, 1901, then as now a time of insurrection at Bascaran, province of Albay, P. I., a place then as now under military government of the United States, hold one Felix Losedo, a scout in the service of the United States, while one Pedro Alcera, a native, assaulted him with a sharp instrument, cutting off one ear and stabbing him in both eyes, thereby destroying the sight of one eye and seriously wounding the other eye.”

PLEA.—“Not guilty.”

FINDING.—Of the specification, “guilty, substituting the word ‘assault’ for the word ‘hold’, and excepting the words ‘while one Pedro Alcera, a native, assaulted him;’ of the excepted words, not guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Juan Biron, native, “To be confined at hard labor at such place as the reviewing authority may direct for the period of fifteen years.”

In the foregoing case it appears that the accused, Juan Biron, an alleged lieutenant of the insurgent army, captured at Bascaran, Albay, one Felix Losedo, a scout in the employ of the United States, bound him to a tree and then with a razor cut off an ear and slashed his eyes with the intent to blind him, with the result that the sight of one was totally destroyed and that of the other permanently impaired.

The sentence, approved by the Department commander, is confirmed and will be duly executed at the Presidio de Manila, to which this prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., October 29, 1901.

General Orders, No. 334.

Before a military commission which convened at Echague, Isabela, Luzon, P. I., pursuant to paragraph 12, Special Orders, No. 121, Headquarters Department of Northern Luzon, May 3, 1901, and of which Capt. George E. French, 16th U. S. Infantry, was president and Second Lieut. Charles L. McKain, 16th U. S. Infantry, was judge-advocate, were arraigned and tried:

I. Juan de Jesus and Roque Escarios, natives.

CHARGE.—“Murder, in violation of the laws of war.”

Specification.—“In that they, Juan de Jesus and Roque Escarios, native Filipinos, and each of them, on or about the 13th of February, 1901, then as now a time of insurrection, near the barrio of San Pedro, pueblo of Cordon, province of Isabela, Northern Luzon, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws numbering six, more or less, armed with bolos, did willfully, feloniously, and with malice aforethought kill and murder Privates Alva Feagans and William Gray, Company A, 16th U. S. Infantry, by cutting and stabbing them with bolos held in the hands of said band, inflicting wounds whereof the said Privates Feagans and Gray, and each of them, then and there died.”

PLEAS.—“Not guilty.”

FINDINGS.—Of the specification, “guilty, except to the words ‘Privates Alva Feagans and William Gray, Company A, 16th U. S. Infantry,’ substituting therefor ‘two American soldiers, names unknown,’ and of the excepted words, not guilty, and of the substituted words, guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefor sentence them, Juan de Jesus and Roque Escarios, natives, and each of them, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Juan de Jesus and Roque Escarios, natives, these accused upon their trial admitted that they were present and witnessed the killing of two American soldiers, but sought to avoid any responsibility for the murder by their

unsupported statements that they were compelled to be present by five men whom they did not know and who were the real perpetrators of the crime.

From the evidence it appears that the presidente of the pueblo of Cordon had knowledge of this murder at the time it was committed, directed the bodies to be buried, and gave warning that death would be meted out to anyone disclosing the crime to the American authorities. The facts established show that there was a conspiracy to commit this murder, and that beyond a reasonable doubt these accused were active participants therein.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of the natural life of the prisoners, Juan de Jesus and Roque Escarios, and will be duly executed at the Presidio de Manila, to which they will be sent under proper guard.

II. Juan Ramires, native.

CHARGE.—“Misconduct and neglect of duty as presidente.”

Specification 1.—“In this that he, Juan Ramires, native, and presidente of the municipality of Cordon, province of Isabela, Northern Luzon, P. I., established by the United States of America, having knowledge of the murder of Privates Feagans and Gray, Company A, 16th U. S. Infantry, by insurrectionists against the authority of the United States, did fail and neglect to report such knowledge to the commanding officer of the United States troops in said municipality. This at Cordon, province of Isabela, Northern Luzon, P. I., on or about February 14, 1901, in time of insurrection.”

Specification 2.—“In this that he, Juan Ramires, native, and presidente of the municipality of Cordon, province of Isabela, Northern Luzon, P. I., established by the United States of America, did tell his municipal cabezas in a body that two American soldiers had been murdered by insurrectionists, and if they, the cabezas, told any Americans about it, he, the presidente, would have their, the cabezas', heads cut off. This at Cordon, province of Isabela, Northern Luzon, P. I., on or about February 15, 1901, in time of insurrection.”

Specification 3.—“In this that he, Juan Ramires, native, and presidente of the municipality of Cordon, province of Isabela, Northern Luzon, P. I., established by the United States of America, did order the lieutenant of the barrio of San Pedro to have the bodies of two American soldiers, who had been murdered by insurrectionists, buried, and if he or his men told of it, he, the presidente, would have their heads cut off. This at Cordon, province of Isabela, Northern Luzon, P. I., on or about February 14, 1901, in time of insurrection.”

Specification 4.—“In this that he, Juan Ramires, native, and presidente of the municipality of Cordon, province of Isabela, Northern Luzon, P. I., established by the United States of America, did send by private messengers, rice and other articles to the insurrectionists operating near Cordon, Isabela, Luzon, P. I. This at Cordon, province of Isabela, Northern Luzon, P. I., on or about January 10, 1901, in time of insurrection.”

PLEA.—“Not guilty.”

FINDING.—Of the first specification, “Guilty, except of the words, ‘Privates Feagans and Gray, Company A, 16th U. S. Infantry,’ substituting therefor, ‘two American soldiers, names unknown,’ and of the excepted words, not guilty, and of the substituted words, guilty.” Of the second specification, “guilty.” Of the third specification, “guilty.” Of the fourth specification, “guilty.” Of the charge, “guilty.”

SENTENCE.—And the commission does therefore sentence him, Juan Ramires, native, and presidente of the municipality of Cordon, Isabela, P. I., “To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Juan Ramires, native, it appears from the evidence that the accused, while in office under the American authority, as presidente of the pueblo of Cordon, had knowledge of the murder of two American soldiers; that he gave orders for the immediate burial of their bodies, and threatened with death any one who should inform the American authorities of the murder. That he is guilty as charged, the evidence—including his own admissions—leave no doubt. Under the laws of war the sentence of the commission is fully justified.

The sentence, approved by the department commander, is confirmed, but is commuted to imprisonment at hard labor for the period of his natural life, and as thus commuted will be duly executed. The Presidio de Manila is designated as the place of confinement, to which this prisoner will be sent under proper guard.

By command of Major-General Chaffee.

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 4, 1901.

General Orders, No. 337.

Before a military commission which convened at Malabon, province of Manila, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 156, Headquarters Department of Northern Luzon, June 8, 1901, and of which Maj. William H. Cook, surgeon, U. S. Volunteers, was president, and First Lieut. Paul Giddings, 3d U. S. Infantry, was judge-advocate, were arraigned and tried Agapito Ygnacio, Manuel Lerma, Pio Sacdalan, and Benito Clemor, natives.

CHARGE—"Murder."

Specification.—"In that Agapito Ygnacio, Manuel Lerma, Pio Sacdalan, and Benito Clemor, natives, holding the respective ranks of 'comandante,' 'comandante,' 'capitan,' and 'teniente,' in the so-called insurgent army, were members of a party of insurgents, part of whom were dressed in the ordinary clothing of the inhabitants of the country, who did waylay, and willfully, feloniously, and with malice aforethought, murder, and kill First Lieut. Walter C. Brewer and Private Gallagher, 27th Infantry, U. S. Volunteers, by means of shots fired from rifles or strokes from bolos, held in the hands of unknown members of this party, after both had surrendered, whereby wounds were inflicted from which the said Lieutenant Brewer and the said Private Gallagher then and there died. This at the barrio of Talipapa, pueblo of Caloocan, province of Manila, Luzon, P. I., about the 13th of July, 1900, in time and place of insurrection against the authority of the United States."

PLEAS—"Not guilty."

FINDINGS.—Agapito Ygnacio, Pio Sacdalan, and Benito Clemor, of the specification, "guilty" with the exception of the words, "First Lieut. Walter C. Brewer and Private Gallagher, 27th Infantry, U. S. Volunteers," and substituting therefor the words, "an American officer and a soldier, names unknown" and with the exception of the words "Lieutenant Brewer and the said Private Gallagher," substituting therefor the words, "American officer and the said soldier, names unknown," of the excepted words, "not guilty," of the substituted words, "guilty." Of the charge, "guilty."

Manuel Lerma: "Not guilty."

SENTENCE.—And the commission does therefore sentence them, Agapito Ygnacio, Pio Sacdalan, and Benito Clemor, natives, and each of them, "To be confined at hard labor, at such place as the reviewing authority may direct, for the period of their natural lives." And the commission does therefore acquit him, Manuel Lerma, native.

In the foregoing case, it appears that the accused, Agapito Ygnacio, a major of a so-called band of insurgents, and Pio Sacdalan and Benito Clemor, lieutenants, were officers exercising functions of command in a band, part of whom were dressed in the ordinary clothing of peaceful inhabitants of the country, which lay in ambush within the lines of American occupation on the road from Caloocan to Novaliches about July 1, 1900. On the approach from Novaliches of an officer, evidently First Lieut. Richard H. Brewer, 27th U. S. Volunteer Infantry, and an enlisted man of the same regiment, the band opened fire upon them. These deceased then dismounted, ran to shelter, threw down their revolvers, and raised their arms in sign of surrender. The band then surrounded them, conveyed them to a point of some fifty yards distant, stripped them of their clothing, made them kneel, and killed them by stabbing one in the back with a dagger and shooting the other from behind with a revolver. The accused, Agapito Ygnacio, Pio Sacdalan, and Benito Clemor personally ordered and participated in the consummation of this barbarous crime.

The sentence, approved by the department commander, is confirmed and will be duly executed at the Presidio de Manila, to which the accused, Agapito Ygnacio, Pio Sacdalan, Benito Clemor will be sent under proper guard. The accused, Manuel Lerma, will be set at liberty.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 25, 1901.

General Orders, No. 364.

Before a military commission which convened at Baliuag, Bulacan, Luzon, P. I., pursuant to paragraph 4, Special Orders, No. 212, Headquarters Department of Northern Luzon, August 6, 1901, and of which Capt. James H. McRae, 3d U. S. Infantry,

was president, and Second Lieut. Robert I. Rees, 3d U. S. Infantry, was judge-advocate, were arraigned and tried Mariana Cruz and Marcelino Trapiel, natives.

CHARGE.—“Murder.”

Specification.—“In that Mariano Cruz and Marcelino Trapiel, natives, and each of them, at the barrio San Vicente, pueblo of Malolos, province of Bulacan, P. I., in territory then, as now, occupied by the United States troops and at a time then, as now, of insurrection against the lawful authority of the United States, did willfully, feloniously, and with malice aforethought kill and murder Crestof A. Fiedler, corporal, Company F, 3d Infantry, acting provost-sergeant of Malolos, by shooting him with a revolver held in the hands of the said Mariano Cruz, and by stabbing him with a dagger held in the hands of the said Marcelino Trapiel, inflicting wounds thereby whereof the said Crestof A. Fiedler, corporal, company F, 3d Infantry, then and there died. This at the place above specified, about 2 o'clock p. m., on or about September 29, 1900.”

PLEAS.—To the specification, “guilty, except to the words, ‘willfully, feloniously, and with malice aforethought’ and ‘and murder;’ and of the excepted words not guilty;” to the charge “not guilty.”

FINDINGS.—“Guilty.”

SENTENCE.—And the commission does therefore sentence them, Mariano Cruz and Marcelino Trapiel, and each of them, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.”

In the foregoing case of Mariano Cruz and Marcelino Trapiel, natives, it appears by the evidence that these accused were ordered and induced by the promise of future reward to waylay and kill Corporal Crestof A. Fiedler, Company F, 3d Infantry, who, it appears, had made himself obnoxious to the insurgents operating in the vicinity of Malolos because of the manner in which he, as an acting provost-sergeant, enforced sanitary regulations, and of his watchfulness of the insurgents stealing into the barrio of San Vicente in the dress of peaceful amigos. The accused men pleaded ‘the orders of their chiefs’ to exculpate them from responsibility, but while these chiefs incited the murder and held out hope of reward for its execution, these accused were free to refuse to act the part of paid assassins.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Malolos, province of Bulacan, Luzon, P. I., on the nineteenth (19th) day of December, A. D. 1901, under the direction of the commanding general of the Department of Northern Luzon.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., November 30, 1901.

General Orders, No. 370.

I. Before a military commission which convened at Baliuag, Bulacan, Luzon, P. I., pursuant to paragraph 5, special orders, No. 253, Headquarters Department of Northern Luzon, September 23, 1901, and of which Brig. Gen. William H. Bisbee, U. S. A., was president, and Second Lieut. Robert I. Reeves, Third U. S. Infantry, was judge-advocate, was arraigned and tried:

Isidoro Torres, native.

CHARGE.—“Murder, in violation of the laws of war.”

Specification.—“In that Isidoro Torres, native, while occupying the position of general officer in the so-called insurgent army, in the Province of Bulacan, Luzon, P. I., territory, then as now, occupied by United States troops, some time during the month of September, 1900, exact date unknown, a time, then as now, of insurrection against the authority of the United States, did willfully, feloniously, and with malice aforethought procure and obtain the killing and murdering of one Corpl. Crestof A. Fiedler, Company F, Third U. S. Infantry, acting provost sergeant of Malolos, by ordering and directing that said Corporal Fiedler be put to death, in consequence of which orders and directions, and in pursuance thereof, the said Corporal Fiedler was killed and murdered at the barrio San Vicente, pueblo of Malolos, Province of Bulacan, P. I., on or about September 29, 1900, by being struck on the head with iron missiles, by being stabbed with a dagger, and by being shot with a revolver at the hands of Marcelino Trapiel, and by being shot with a revolver held in the hands of one Mariano Cruz, whereby divers and sundry wounds were inflicted, whereof the said Corporal Fiedler then and there died.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Isidoro Torres, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case it appears that the accused, Isidoro Torres, was a general of insurgent guerrilla forces operating in the Province of Bulacan, and that the deceased, Corpl. Crestof A. Fiedler, Company F, Third U. S. Infantry, was called to the special attention of the accused through complaints of the people of Malolos concerning the manner in which decedent enforced sanitary regulations, over which he exercised authority as acting provost sergeant. Decedent was also noted for watchfulness of strangers coming into Malolos, and in calling upon them to give an account of their business; whereby he caused the insurgent soldiery—who in the guise of amigos visited the pueblo—much inconvenience in their constant efforts to secretly secure supplies and to gain information regarding the movements and objects of the American troops. In a single instance, in making arrests of such disguised insurgents, the arrested man broke away from his captors, ran, and refusing to halt, was shot down by decedent, who at once removed the wounded man to the hospital for medical care.

These several incidents, the evidence plainly shows, created a general feeling of dislike against Corporal Fiedler. The inhabitants of Malolos apparently did not appreciate the benefits following from well-policed yards and healthful surroundings, and the accused and his followers feared and disliked decedent because of his efficient interference with their secret incursions into Malolos.

The wounding of one of these emissaries, as stated, appears to have led to a final determination on the part of the insurgents to kill Corporal Fiedler. Former officers and soldiers of the accused called as witnesses—two of whom are now under sentence of death for participation in this crime—declared that the accused issued a written order directing it to be done. The prosecution was unable to produce this order, but with suspicious unanimity the witnesses testified to the contents thereof as they saw, read, or heard it read; and as the defense has shown that these witnesses have a strong motive for laying the entire responsibility for this murder upon accused, some doubt arises as to the reliability of their testimony.

The commanding general is also reluctant to record his conviction upon the evidence in the case, that a man of the intelligence and high command of the accused could have descended to such a cowardly act as the employment of ununiformed men to steal within the lines of his enemy to assassinate an individual soldier, merely because such enemy soldier was efficient in the performance of his bounded duty; such an act would render the author infamous in the eyes of all manly men, and cast him out from the protection the laws of war extend to honorable combatants.

Upon the face of the record, the finding and sentence of the commission is justified; but for reasons stated, the commanding general of the division is pleased to give the accused the benefit of a doubt the evidence does not satisfactorily remove from his mind.

The sentence is disapproved; the accused, Isidoro Torres, will be set at liberty.

II. Before a military commission, which convened at Baliuag, Bulacan, Luzon, P. I., pursuant to paragraph 10, Special Orders, No. 166, Headquarters Department of Northern Luzon, June 18, 1901, and of which Captain James H. McRae, 3d U. S. Infantry, was president, and 2d Lieutenant Oliver H. Dockerty, jr., 3d U. S. Infantry, was judge-advocate, was arraigned and tried: Emilio Santa Maria, native.

CHARGE.—"Murder, in violation of the laws of war;"

Specification.—"In that Emilio Santa Maria, native, a lieutenant of volunteers of insurgent forces, did willfully, feloniously, and with malice aforethought, kill and murder Private Charles A. Baker, Company A, 35th Infantry, U. S. Volunteers, a prisoner in the hands of Emilio Santa Maria, and inflicting wounds from which the said Private Charles A. Baker then and there died. This on or about October 3, 1900, then, as now, a time of insurrection against the lawful authority of the United States, at or near Ylogbacod, a barrio of San Miguel de Mayumo, province of Balacan, Luzon, P. I., a place, then, as now, in the theater of active military operations."

PLEA.—"Not guilty."

FINDING.—Of the specification " 'guilty' except the words, 'lieutenant of volunteers,' and except the words, 'Private Charles A. Baker, Company A, 35th Infantry, U. S. Volunteers,' and substituting therefor the words 'member' and 'an American soldier, name unknown,' respectively, and except the words, 'Private Charles A. Baker,' wherever else it may occur in the specification, substituting therefor, in each case, the words, 'an American soldier,' of the excepted words not guilty and of the substituted words, guilty of the charge, guilty."

SENTENCE.—And the commission does, therefore, sentence the accused, Emilio Santa Maria, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Emilio Santa Maria, native, it appears that the accused was a trusted soldier, and at the time an acting lieutenant in the insurgent forces; that he and his companions, while in the ordinary dress of noncombatants, kidnaped in the streets an American soldier, and, taking him to a safe distance, the accused, with a rifle, shot his prisoner and caused him to be buried. The accused, upon his trial, admitted facts making him clearly a principal in this wanton murder, and the weight of the testimony of eyewitnesses, leaves no reasonable doubt that he conceived, as well as executed it.

The sentence, approved by the department commander, is confirmed, and will be duly executed at Baliuag, Bulacan, Luzon, P. I., on the twenty-third (23d) day of December, A. D. 1901, under the direction of the commanding general, Department of North Philippines.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., December 10, 1901.

General Orders, No. 388.

Before a military commission, which convened at Malabon, Rizal Province, Luzon, P. I., pursuant to paragraph 5, Special Orders, No. 156, Headquarters Department of Northern Luzon, June 8, 1901, and of which Maj. William H. Cook, surgeon, U. S. Volunteers, was president, and First Lieut. Paul Giddings, battalion adjutant, 3d U. S. Infantry, was judge-advocate, was arraigned and tried: Gabino de la Cruz, native.

CHARGE.—“Murder.”

Specification.—“In that he, Gabino de la Cruz, a native, on or about the 1st day of June, 1899, a time of insurrection, in the town of Bocaue, Bulacan, P. I., a place then within the theater of active military operations, did wilfully, feloniously, and with malice aforethought, kill and murder one American soldier, name unknown, by stabbing or cutting said American soldier, name unknown, with the weapon commonly known as a ‘bolo,’ said American soldier being asleep in the street and in a helpless condition from intoxication, inflicting wounds whereof said American soldier, name unknown, then and there died. This at Bocaue, Bulacan, P. I., then within the theater of active military operations by the United States forces, on or about the 1st day of June, 1899, a time of insurrection against the United States.”

PLEA.—“Not guilty.”

FINDING.—“Guilty.”

SENTENCE.—And the commission does therefore sentence him, Gabino de la Cruz, native, “to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds ($\frac{2}{3}$) of the commission concurring therein.”

In the foregoing case of Gabino de la Cruz, the alleged crime was committed in June, 1899, and the commission has found the accused guilty of all the allegations of the specification without exception, whereas there is not a word of evidence, oral or documentary, that the deceased soldier had been killed by a bolo or that he was “asleep in the street and in a helpless condition of intoxication.” No one saw the accused strike decedent. Subject to the foregoing remarks, the finding is confirmed.

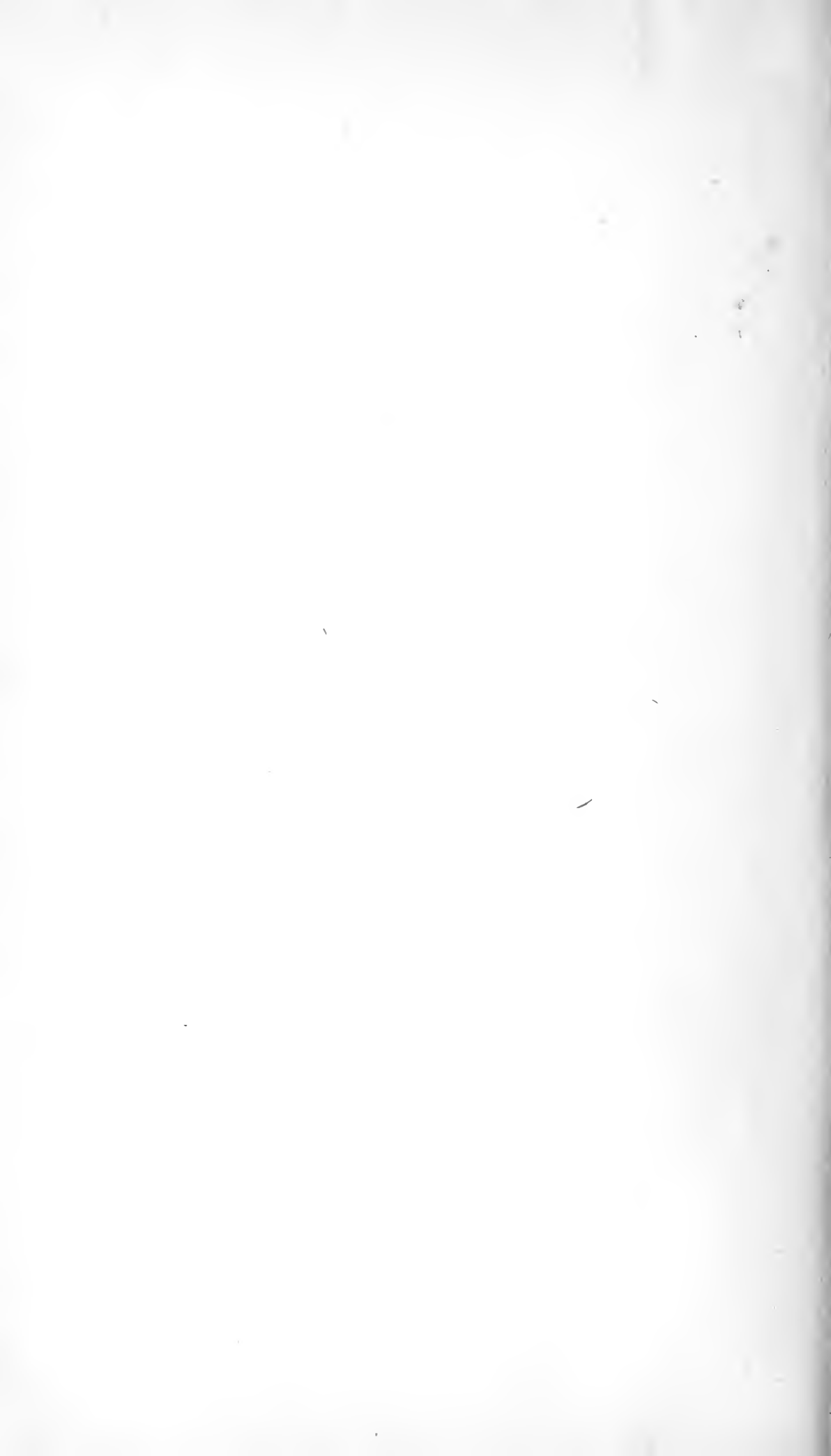
A strong chain of circumstantial evidence connects accused with the crime. He was the first man seen with the dead body, and he called others to assist him in removing it and to obliterate traces of blood from the place where the body had lain. He was also the last man with the body in a banca in which he caused it to be placed and by which he alone conveyed it down river toward the open sea. All this was done at night, under cover of darkness. This evidence, all circumstantial as to the fact of the killing, is supported by the testimony of one witness, who testified that the accused volunteered the statement that he, accused, killed the soldier.

In view, however, of the fact that this crime was committed a long time ago, when the hostile feeling occasioned by active warfare was very great, and the people of these islands had practically no knowledge of the laws of war; and, also moved by the fact that the sentence first imposed was less than death, the sentence as finally imposed by the commission under its lawfully invited action to reconsider its first sentence, while confirmed, is commuted to imprisonment at hard labor for the term of thirty years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee:

W. P. HALL,
Assistant Adjutant-General.

AUG -0 1942





LIBRARY OF CONGRESS



0 007 615 365 6